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# IRELAND.

## OBSERVATIONS

ON

THE PEOPLE, THE LAND, AND THE LAW,  
IN  
1851;

WITH ESPECIAL REFERENCE TO THE POLICY, PRACTICE,  
AND RESULTS

OF THE

INCUMBERED ESTATES COURT.

"Experience hath shown that Property best answers the purposes of civil life, especially in commercial countries, when its transfer and circulation are totally free and unrestrained."—BLACKSTONE'S COMMENTARIES. 18th Edition, 8vo, vol. ii. p. 287.

Third Edition,

CONTAINING SEVERAL USEFUL STATISTICAL TABLES, AND MUCH  
ADDITIONAL INFORMATION.

DUBLIN :  
HODGES AND SMITH, GRAFTON-STREET,  
BOOKSELLERS TO THE UNIVERSITY.  
LONDON: SIMPKIN, MARSHALL, AND CO.,  
STATIONERS' HALL COURT.

1852.

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OBSERVATIONS,

&c. &c.

by John Taylor -

# IRELAND.

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## P R E F A C E

### TO THE THIRD EDITION.

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THE Author begs to observe that, in connecting the  
Incumbered Estates Court with the subject of the ge-  
neral improvement of Ireland, he considered the  
establishment of that jurisdiction, as the first ground  
fairly broken in the liberation of Agriculture from  
injurious legal restrictions.

He has written, too, under the strong impression,  
that Ireland exhibits unmistakeable signs of social re-  
generation, and that the time approaches when the  
physical resources of the country shall be developed,  
and moulded to their diversified uses by educated  
intellects and industrious hands.

DUBLIN, *February 10, 1852.*

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## P R E F A C E

TO THE FIRST AND SECOND EDITION.

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THE circumstance of the Author's property being for sale in the Incumbered Estates market first attracted his attention to the policy and practice of the Court. Peculiar opportunities have since occurred of access to information on subjects long familiar to his experience ; and, in the intervals of business, he has endeavoured to make the best use of them.

The facts and statistics adduced in the following pages are earnestly pressed on the consideration of land-owners, farmers, and capitalists in the British islands, and especially of those Irish emigrants who have accumulated wealth abroad, and seek a cheap and desirable investment in the land of their nativity.

DUBLIN, *November 6th, 1851.*



## ERRATA.

Page 23, lines 9, 10, *for* "of the owner in reversion," *read* "by the owner of the reversion."

,, 66, line 4 from bottom, *for* "Purchasers" *read* "Purchases."

,, 76, line 5, *for* "reported" *read* "repeated."



## OBSERVATIONS,

&c. &c.

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THE history of nations, like the biography of genius, presents occasional epochs at which the old life dies out, and the race starts anew under the impulse of extern causes, awakened by fresh motives of action, and cheered by novel aspirations.

The fateful year that ushered in the nineteenth century rose upon the horoscope of Ireland in mingled gloom and sunshine ; and in mingled gloom and sunshine has the eventful half-century hastened to its fearful and disastrous close, bearing with its fleeting years into the realms of the past the equally evanescent characters of a vacillating and mischievous policy, inaugurated upon the foundation of international and religious antipathies, and recklessly conducted in the face of obstacles, which rendered ultimate success a moral impossibility.

The splendid bubble of insular independence had scarcely burst, when a series of dreadful calamities, unprecedented in severity and extent, afflicted the sore-smitten land. Since then our country has deeply suffered—must suffer still more—from the effects of those evils, which Providence, in its inscrutable wisdom, has sent upon the people.

Nevertheless, educational progress, now beginning to tell upon the present generation (the second since the Legislative Union), combined with the vast commercial and political changes of the last few years, is steadily, though slowly, developing those moral energies and that industrial training, which form the only secure basis for the growth of national prosperity and rational freedom. Agriculture, the greatest of all our manufactures, is assuming, under the economic hand of science, a new phasis more adapted to our soil and climate; and the land itself, through the instrumentality of the Incumbered Estates Court, is being gradually emancipated from barren ownership, and transferred to the productive possession of enterprising capitalists and practical farmers. We hope to bring our readers with us, in the endeavour to demonstrate, that the errors of the past are vanishing, and that the leading year of the half-century presents promises and proofs of a new era of progress.

Division of the Subject.

We now proceed to the consideration of the present aspects and probable results of some of those great questions that affect the social and agricultural condition of Ireland; reviewing, in succession, the policy, practice, and results of the Incumbered Estates Court; the tenure and taxation of land; the proofs of incipient prosperity (depending chiefly on the evidence contained in the authentic Reports of the Board of Works and of the Poor Law Commission); the subject of emigration; and, lastly, the reclaimage of waste lands.

In the course of our observations, we propose to point out plainly the evils of existing habits and systems, as affecting the people, the land, and the law, and to offer suggestions for amendment and reform. And we shall present, as briefly as is consistent with clearness, the facts and

reasons, which have convinced us that the tide of improvement has set in for Ireland.

The most important event bearing on the industrial and social progress of Ireland was the creation, in 1849, of a new jurisdiction, to facilitate the sale and transfer of land.\* Incumbered Estates Act, 13 Vic. c. 77. The circumstances of the time rendered a revolution in the state of property inevitable ; and three distinguished lawyers, one a Judge of the Irish Bench, were selected by the Government to superintend and conduct a measure of such severe but necessary justice, at a period when the ruined condition of Irish proprietors, and their utter inability to fulfil the social and economic duties of their position, contributed, together with the potato blight, the depreciation of agricultural prices, consequent upon free trade, and the pressure of poor-rates, to spread through every grade that uncertainty and despondency, which paralysed the exertions of industry, and precluded the introduction of capital.

In 1843,† three years prior to the potato failure, 1,002 estates, representing a rental of £702,822 5s.  $2\frac{3}{4}d$ , or about one-twentieth of the nominal rental of the country, were under Receivers of the courts of equity, four-fifths of whom were attorneys, generally resident in Dublin, unacquainted with the wants of an agricultural population, and unsympathizing with their pursuits.‡ During subsequent years

Critical state  
of Ireland in  
1843.

\* Occasional articles have appeared in the Dublin University Magazine on the policy of this Act, displaying the usual ability of that periodical. Macnevin's "Practice of the Incumbered Estates Court" is the most comprehensive work on that subject, affording all requisite information to practitioners in the Court.

† See the Devon Commission Blue Book, Appendix 98 and 99.

‡ For an explanation of the gross mismanagement of estates by Receivers under the Court of Chancery, see a judgment of the Master of the Rolls in the case of Reynolds *v.* Reynolds, in Dublin papers of Ja-

the number of estates thrown into Chancery has been nearly doubled, costs and incumbrances have increased tenfold, and arrears of rent in a still higher ratio; while the state of the law respecting the sale and transfer of landed property (as administered by the Court of Chancery) not only prevented land from becoming a marketable commodity, but aggravated by dilatory and expensive proceedings the evils it professed to remedy. The annuitant neither received his annual stipend, nor the mortgagee his interest; and the puisne incumbrancer not only lost the amount of his claim, but frequently also the costs incurred to recover it. Again, the social evils entailed by this miserable state of things were even more ruinous in their effects: the industrial links between the agricultural classes were completely shattered. The owner was only nominal, or at best an ill-paid pensioner on his own estate; and tenants, holding on the uncertain tenure of leases pending the continuance of a suit, lost all confidence and forecast, and declined to expend capital on their farms. In many districts rents were totally absorbed by taxation, production almost ceased, and the soil rapidly deteriorated in value. Among all parties, employment of labour, the initial step of national prosperity, was altogether suspended, or applied to unproductive objects by an indiscriminating and demoralizing system of Poor Laws and Relief Acts, as they were called.

Ireland in  
1846-47.

Ireland, in 1846 and 1847, was, in fact, one huge Poor-law Union, under the administration of legal relief and Imperial charity. At one period, in the latter year, 734,000 persons were drawn away from their ordinary pursuits to an unprofitable system of employment; the advice and en-

nuary 16, 1848. See, also, the evidence before Mr. Bernal Osborne's Committee on Receivers, for a detailed account of the evils of the system.

treaties of the resident proprietary were disregarded, and their functions displaced by an alien distributory management ; the superior cereal products of our soil were exported, and an inferior foreign grain substituted for food ; and millions were wasted on works, generally of a useless, frequently an injurious character, having no relation whatever to the production of food for a famishing population, while the greater portion of the tilth of the Kingdom lay utterly waste. Had one quarter of the sum, expended in a manner so unsuitable to the dispositions of the peasantry and the circumstances of the time, been devoted to the supply of farm seeds and culture of the soil, an ample harvest (with exception of the potato crop) would have been the result, and a lien on the crop would have amply sufficed to secure repayment of the Treasury advances, and prevented that embittered dissatisfaction recently displayed at the demand for payment of loans, so arbitrarily and uselessly expended. The difficulties, however, of the juncture were overwhelming ; and the noble exertions of the Imperial Government and British public, to alleviate the distress and save the lives of the Irish people, should ever be held in grateful remembrance. We must admit, too, that their task was rendered doubly difficult by the apathy and ignorance of the occupiers of the soil, and the injustice and jobbing of many of those above them.\* With the fields

\* Take one example :—The Author, on a valuation tour in August, 1847, visited a certain townland in the south-west of Kerry, occupying the southern slopes of a hilly tract, at foot of which lay a long reach of swamp bordered by the sea. Of the inhabitants, numbering upwards of 150 souls in the spring of 1846, not one remained in August, 1847. The soil, strewn with the ruins of deserted cabins, was utterly waste ; there was not man nor beast on it. The potato failure brought starvation to a peasantry living upon a precarious root. From the reeking, undrained swamp, demonstrating the neglect of an absentee proprietor, arose the cholera ; and a harsh middleman, dissociated alike from land-

abandoned, and their cultivators perishing, it is not surprising that outrages should have become less frequent ; for land ceased to be an object of desire to those whose competition a few years previously had raised it above remunerative value. But a vague sense of injury, and hatred of law, still rankled in the minds of the masses, although the motive, which gave vindictive energy to agrarian combination, had ceased with the extinction of its cause.

Necessity for  
the Act.

Under these circumstances, which (if we may use the expression) struck the long trembling balance of a hereditary insolvency, it became the interest alike of all classes, that such an anomalous state of things should be put an end to ; and the critical circumstances of landed property in Ireland precipitated measures, to which the principles of free trade inevitably tended, by assimilating the sale and lord and occupier, filled up the measure of ruin. Since that period, pauperism and taxation have reproduced each other in this miserable locality,—the poor rates, in 1851, on the electoral district in which this townland is situate, being 14*s.* 1*d.* in the pound. Laws and Government can do but little to cure the causes of these evils. They are deep-seated in the social rather than in the political constitution of the country, and will never cease, until the people are educated, landlords fulfil their duties, and all classes act upon the basis of a common interest. We cannot express our meaning more clearly than by quoting the sentiments of an illustrious person. Prince Albert, when advocating the cause of “ the Society for Improving the Condition of the Labouring Classes,” at the public meeting of the Society in June, 1848, thus expressed himself :—“ The interests of often contrasted classes are identified, and it is only ignorance which prevents their uniting for each others advantage. To dispel that ignorance, to show how man can help man, notwithstanding the complicated state of civilized society, ought to be the aim of every philanthropic person ; but it is more peculiarly the duty of those, who under the blessing of Divine Providence enjoy station, wealth, and education. . . . . God has created man imperfect, and left him with many wants, as it were to stimulate each to individual exertion, and to make them all feel that it is only by united exertions and combined action, that these imperfections can be supplied, and these wants satisfied. This pre-supposes self-reliance and confidence in each other.”

transfer of real property to that facility of exchange, which has been the prime incentive to the progress of manufactures.\* For, after all, what is land but the raw material for food? and why should it be locked up, by feudal tenures and impracticable restrictions, in the possession of those who have not means to work it, when capital lies idle in millions, waiting for reproductive investment?† The extension of some analogous measure to Scotland,‡ perhaps to England also, will soon become matter of legislative necessity (and this is not the only instance of the extreme case of Ireland forcing political and social reform upon the sister country), and then capitalists, singly, or in association, will be enabled to trade freely in land,—either

\* The introduction of the liberal spirit of commercial dealing into land transactions may be aptly illustrated by the example of a late purchaser under the Incumbered Estates Court, Samuel Murland, Esq., of Castlewellan. Upon his first visit to the estate, the tenants met him in a body, and saluted him most obsequiously. His reply was, “Put on your hats, men. We are met on equal and independent terms, to transact a matter of business. I have land to let, which you wish to hire. Consult together, and tell me what you can afford to pay; and, if I approve your offers and your characters, you shall have your leases.” And, accordingly, the business was arranged to the satisfaction of both parties in a few days.

† “The commerce in the great raw material of the Kingdom has been opened up nobly by the Incumbered Estates Court; but its operation is too limited in extent. Our overgrown, half-idle money, in savings banks and everywhere, and our uncultured acres, echo, the one to the other, *the paralysis of commerce in land*. We want the principle, the facility, and economy of the Incumbered Estates Court to be made general; we want a free land-market in Ireland.”—*Letter to the Author, from R. D. (R.), Cork.*

‡ If, for instance, the Islay estate, comprehending nearly three-fourths of the whole island, which belonged to Mr. Campbell, now a bankrupt, was offered for sale in lots by a court constituted with the same powers as the Incumbered Estates Court, how soon it would find purchasers, instead of being, as it is, the occasion of heavy responsibility and great discouragement to those connected with it.

to purchase large tracts, for the purpose of improving and of re-sale in lots, which under the former system was impossible, as the expenses would have absorbed any moderate profit ; or for thrifty tradesmen or industrious farmers to invest their savings in the purchase of single lots, and, by the application of skilled husbandry, to increase their capital and add to their acquisitions, gradually rising to wealth, as men advance in the pursuits of commerce and manufactures.

**Land Invest-  
ment Societies.**

The facilities now afforded by the Incumbered Estates Act offer opportunities, that should not be lost, for establishing land investment societies among the working classes, on such a plan as can be conducted under 6 & 7 Will. IV. c. 32. We have had examples enough of the power of popular combination directed to political objects, and in opposition to the spirit of constitutional law, but *not one successful association* to accomplish practical benefits for the million, under the shadow of legal protection.

**Creation of a  
Middle Class.**

Such societies, consisting of patient and provident members, and conducted by experienced managers worthy of public confidence, would be of inestimable benefit, not only in establishing an independent political class, but in forming a social link between the landed aristocracy and the tillers of the soil, and rendering that bond of concord a medium of sympathy between classes too long dissevered in interests and feelings. But there are other and more important circumstances tending to the formation of a middle class in Ireland. According to the House of Commons Paper, No. 598, 1850, there were, on April 5, 1850, 16,130 stockholders in the Irish funds, holding stock to the amount of £1000 and under. This number has been since that period much diminished, under the encourage-

ment of an extended land market, nearly one-half of the number of purchasers in the Incumbered Estates Court being for sums not exceeding £1000;\* and these men (with few exceptions) are possessed of capital, and are prepared to apply it to the management of their lands, with that single-minded energy and zeal, that the novel feeling of ownership engenders.

A considerable portion of the costs of sale under the Court arises occasionally from the necessity of ordering special surveys, to ascertain boundaries and tenancies; but this indirectly subserves social progress, by putting an end to the vexatious litigations, consequent upon disputed boundaries and quantities, that prevail throughout the Kingdom. Special valuations, too, when considered necessary by the Court, add to the expense. But, in most cases, the Government Ordnance Survey is found a sufficient auxiliary for reference as to boundaries; and the Ordnance Valuation,† which has been carefully constructed on a fixed scale of relative values (nearly approximating the prices of the present day), is found very serviceable, as a guide to purchasers and to the Commissioners, in estimating the valuation of undivided townlands; although, for portions of townlands and farms, it is not applicable in its present state as a standard of value. A Bill however has been prepared, and will probably be passed early this session, directing the sum

\* See Appendix. The Author has experienced great difficulty in obtaining statistical information from public departments, with the sole exception of the Incumbered Estates Court. It would be well for Statistical Associations to use their influence to correct this selfish and illiberal spirit.

† Where a townland has been improved, by drainage or otherwise, since the completion of the valuation, a new valuation is, of course, requisite: the periodical revisions of the Government Valuation not having as yet commenced.

of the valuation of each townland to be allotted amongst the tenements therein contained, according to their comparative values; making the tenement, instead of the townland, the unit of valuation, and thus rendering the system generally applicable for economic or financial purposes.

Registration  
of deeds, &c.

Indeed, the enormous amount of property, that has been, and will be transferred through the medium of this Court, suggests the propriety of grafting upon it, in conjunction with the Ordnance Survey and Valuation, such improvements in the registry of all particulars relative to the lands sold, as may facilitate future transfers or partitions, and prevent that accumulation of debts and Chancery litigations which hitherto have been the bane of all classes, except money-brokers, lawyers, attorneys, and Chancery Receivers. It would certainly greatly increase the application of capital to the development of the resources of the soil, if all conveyances, annuities, mortgages, leases, and farm improvements were recorded under a well-arranged system of registration,\* with a central establishment in the

\* A general Registration Act (13 & 14 Vict. c. 72) has been lately passed for Ireland; but the machinery for carrying it out has never been efficiently organized. In fact, it remains a *dead letter*.

That zealous agriculturist, Mr. Meehi, who has at heart the interests of agriculture, although he has not yet profited much by his farming speculations, has the following pertinent observations in his "Paper on British Agriculture," read before the Society of Agriculture, Manufactures, and Commerce, in London, on December 11, 1851:—

"Agriculture has not advanced with the other material interests of this great country, nor can she do so whilst under the trammels of antiquated feudalism. So long as landed property continues involved in mystical legalities, copyholds, live and dead heriots, &c., and withdrawn from the common-sense principles of possession and ready transfer, so long will agriculture be in the rear."

"Until you treat your purchase and sale of lands as you do your three per cent. consols, by an authorized registry and immediate transfer, there

metropolis, and branch provincial offices in the principal towns.

The course adopted by the Commissioners combines rapidity with great care and circumspection; and the costs of serving the various notices, and giving full warning and information to incumbrancers, tenants, and all others concerned, add considerably to the expense. But notwithstanding these unavoidable outlays, the costs antecedent to a sale in the Incumbered Estates Court will be found to furnish a remarkable contrast to those incurred in the Court of Chancery. The partition suit of *Herbert v. Hedges*, which lasted thirteen years in the Equity Exchequer, would have been satisfactorily completed in the Incumbered Estates Court in as many weeks, and for a sum not exceeding the amount of stamp duties paid on the Exchequer decrees in that suit. In the Court of Chancery the power of opening sales frequently deters purchasers, and diminishes the amount of purchase; while some futile objection to title, causing suspicion of defect, may have the effect of deferring the sale, until the incumbrances and costs accumulate to double the market value of the estate; and, in the mean time, it often occurs, that despairing creditors sell their claims to some money-broker for half value, just for the sake of a little ready money. Among the cases brought into this Court, some have been dragging their slow length along in the Court of Chancery for scores of years, without producing any fruit, except to the legal profes-

are no hopes for the perfect development of our agricultural powers. 'Tis true that such a system would test *bonâ fide* possession, and affect the mortgage system; but this would confer a great national benefit, by passing land into the hands of *bonâ fide* capitalists, able and willing to improve it, and responsible for its duties, as well as entitled to its rights. We have evidence of this in the Irish Incumbered Estates Bill."

sion and the Receivers under the Court. And, notwithstanding the objections of those lawyers, whose professional learning is not unfrequently a-head of their common sense, and of certain legislators, whose ingrained prejudices render them incapable of understanding facts or appreciating truths, we believe that public opinion would rather sanction a proceeding by petition under the Incumbered Estates Act, by which the estate would be sold, and proceeds distributed amongst the creditors, within the period of one or two years, than after the termination of a twenty years' Chancery litigation, to have the residue of a ruined property divided amongst gentlemen of the legal profession, whose fees must decrease in proportion to the advances of that reform, of which the Incumbered Estates Commission is the commencement and the pledge. Indeed, between the complicated and vexatious difficulties and delays of the law, and the frequency of injudicious and vindictive litigations, it was expecting too much that the legal agent and consultant could or would stem the flood (*auro lutulentus* to them alone) that swept plaintiff and defendant, creditors, landlords and tenants, into one common ruin. The law is to be blamed more than its servants; and it is with unaffected sympathy for the loss of their occupation, that we would suggest to some of them to purchase small lots from the Commissioners, and turn their attention to agriculture, rather than pursue any longer the retreating shadow of a *quiddam honorarium*. We are free also to admit, in mitigation of our strictures upon the opponents of the Court, that even antagonism to innovation possesses a certain negative utility; and the champions of "a creed outworn" serve as a drag on the wheel, to moderate the impetus and secure the safety, while they are unable to stop the chariot of progress. And we would venture upon the consolatory prediction, that when reform shall issue in es-

tablishing the freedom of agriculture, and the prolix pleaders of the present time shall pass away, together with the fictions of which they are the solemn oracles, legal employment connected with the tenure and transfer of land will be even more widely diffused than before ; but it will assume a peaceful and commercial character, calculated to promote (not impede, as it now does) social and agricultural improvement.

The proceeding under the Incumbered Estates Commission, instead of the expensive and cumbrous Chancery system, is simply by petition to sell, which, being filed after a careful examination of title, the searches and other preparatory measures are conducted contemporaneously to a sale ; the ascertainment of priorities and competing rights being matters of subsequent consideration ; and, even if unexpected delay occurs in distribution of the purchase-money, in consequence of the necessity of careful scrutiny of these conflicting claims, this inconvenience is in great part obviated by the fructifying of the money in the funds for the benefit of the parties. For example :—Certain estates of William Darcy were sold for £47,700, which was invested in the funds ; and the profits on stock (£406 8s. 8d.) reduced the total costs of sale and distribution to the trifling sum of £111 18s. 5d. In further illustration, we select nine estates from different parts of Ireland ;\* and, *without deducting profit on the investment of stock*, we find

Proceedings  
and costs of  
sale.

Cases in illus-  
tration.

\* The Mountcashell, Jessop, Dopping, Ryves, Arthur Robinson, Darcy, Thornhill, James M'Cormack, and Gustavus W. Lambert. On the Mountcashell estate a small proportion remains yet to be distributed.

The present unsteadiness in the funds must necessarily promote the investment of money in land. The Author is in a position to estimate the state of the land market in Ireland, and he believes it to be steadily, though slowly, improving, especially in those districts of the far West which have been hitherto totally neglected.

the total sum realized to be £502,093, and the total costs of sale and distribution to be £5104 10s. 11d.; or, say in round numbers, half a million of money realized and distributed at 19s. 6d. per cent. We have only in Darcy's case ascertained the profits on stock; but, had we time to inquire into the results of other cases, we believe the costs of sale, in numerous instances, would be found to average little more than 12s. per cent.

Practical efficiency of the Court.

One example will give some idea of the enormous quantity of business transacted by the Commissioners and their small but efficient staff. And in selecting only one, we merely consult our convenience as to space; for in every department of the Court there is an overwhelming amount of business; and the same zeal pervades all,—to do that business well, and with courtesy to the legal profession, the press, and the public. The accountant of the Court has the small salary of £275 per annum, with an assistant at £2 10s. per week.\* In his books we find, that for the three months ending August 31, the Dr. and Cr. accounts involved an amount of nearly three millions. There were 150 separate investments during that interval, amounting to upwards of three-quarters of a million, and 900 orders for payment had been issued. Let the reader compare these results with the expense and delays of Chancery proceed-

\* In selecting an example of inadequate salary, we would remind the reader, that in every new establishment it will unavoidably happen, that duties and salary are not at first fairly proportioned; and some will be continually before the public eye, who are best paid and have least to do, while the hardest worked and worst paid are unnoticed. The Commissioners themselves have heavier work than any of their officers; and one serious inconvenience is already apparent, in consequence of the accumulating amount of business, namely, that the distribution of the purchase-money is not maintaining a proportionate progress with the petitions and the sales.

ings, and mark the saving, both in time and money, to clients and to the public. Indeed, the Court of Chancery, the proper duties of which are sufficiently multitudinous to occupy all its time, was never a fit tribunal for the sale of land; and it is a perversion of the functions of that Court to apply them to such a purpose.

There is much misconception abroad as to the sacrifice of property under this Act. We would not wittingly exaggerate the efficiency of the Commission ; but we are bound in candour to observe, that in almost every instance where estates have brought inadequate prices, it has been in consequence of adjournments urged upon the Court by owners, or creditors, and their solicitors. The expediency of adjournment ought to be discussed in Chamber previously to the sale ; but if an estate is once put up in Court, the sale should be peremptory. Fee simple estates, situate in solvent Poor-law Unions, where the tenants have not been demoralized by neglect or mismanagement, bring generally over twenty years' purchase on the net rental *in every part* of Ireland. Witness the Mountcashell estates in Antrim, the Belmore in Fermanagh, the Langford in Meath, the Bateman in Kerry, the Parker in Cork and Waterford, and the Aldborough estates in Wicklow, Carlow, Tipperary, and Limerick ; while, on the other hand, estates that have been for a length of time under the management of Chancery Receivers, or which are occupied by a tenantry pauperised and rendered insurgent by the neglect of insolvent owners, are sold at apparently low prices, as calculated on *a nominal* rental ; and, even at such prices, are frequently discovered, when too late, to be bad bargains. For we must bear in mind, that in very many cases it is the bare land which is sold, destitute of suitable farm buildings, frequently exhausted or undrained, with a rack-rented te-

Rate of purchase.

nantry and heavy poor rates ; and, taking into account the cost of remedying those evils and deficiencies, the purchase-money will be found to rate<sup>at</sup> at a much higher figure than at first conjectured. We recommend strangers, intending to invest capital in the purchase of estates in Ireland, to inspect the lands first, or to ascertain their condition by the report of a competent valuator.

Reports of the sacrifice of estates are generally traceable to the misrepresentations of the opponents of the Court ; which is unpopular with those whose occupation it has destroyed,—for whom the misfortunes and distress, caused by the confusion of property, have hitherto produced a plentiful crop of litigation. Those needy proprietors, too, are among its bitterest foes, who contrived year after year, through the agency of money-brokers, to sustain a fictitious credit, by persuading credulous persons to advance loans upon exaggerated rentals ; the amount of bonus, measured by the desperate condition of the property, being, in fact, a premium to fraud. Indeed, the dishonesty of this brokerage system has been one of the principal hindrances to the influx of British capital into Ireland.\*

\* Other sources of misrepresentation, too, most unscrupulously resorted to, have produced similar effects. We have now before us a letter from an English gentleman of high character, Col. Kitchener, who purchased an estate from the Commissioners in the county of Kerry, where he now resides. He says,—“ I know that many English have been over, intending to purchase, and have gone back without doing so, owing to the misrepresentations of the tenants and agents, and of others whose motives are not so easily understood. British capitalists are impressed with the idea that rents are excessive and not paid, and the country swamped by taxes, never taking into consideration that the improvement of the land would proportionally lessen its burthens, and make it able to bear those which are irrevocable. I was assured in London, by one of the largest capitalists there, that could the confidence that I have of the safety of life and property be once felt in England, more money would be expended in Ireland directly than had been invested in railways.” The writer sub-

But the Incumbered Estates Commission is joyfully welcomed by those creditors who have found it impossible to realize their claims through the medium of Chancery proceedings; and it has been found of the greatest benefit to that numerous class whose estates are only partially incumbered, and who wish honestly to pay off all incumbrances and retain the residue for themselves, without the infliction of a Chancery Receiver and a ruinous bill of costs.

Numbers, too, who have been entangled in vexatious and hopeless litigations, are relieved by the instrumentality of the Incumbered Estates Court, as will appear from the following statement:—Where property, under the management of a Chancery Receiver, is sold, the Commissioners transmit a certificate of the sale to the Court of Chancery; and thereupon the Court of Chancery is bound at once to discharge its Receiver. The number of certificates issued for this purpose up to January 31, 1852, amounts to 303; and several of these Chancery Receivers having been appointed over the same lands in different causes and matters, it follows, that a multitude of those suits (probably little short of 500), and some of them very old stagers indeed, have been thus happily extinguished.

In order that the reader may fully understand the vast benefits conferred on the country and the people by the extinction of so many Chancery suits, we must here advert briefly to the excessive costs and delays of Chancery proceedings, which for centuries have been the disgrace of our judicature. Indeed, the number is comparatively small of those who have not felt, in some way or other, the wither-

stantiates his statements by facts, but we do not feel at liberty to publish them. See also the case of the Macnamara Estate, Appendix B.

ing effects of such litigation. We give in the Appendix,\* for the sake of example, an epitome of the procedure in a few cases. The suits appear to have been originally instituted each for a very plain and simple purpose, the objects of which might have been easily accomplished (one would imagine) within a year. But the proceedings became complicated in consequence of the multitude of decrees, and orders, and references, and re-references, and abatements by deaths (for a Chancery litigant will not live for ever, though a suit may), and consequent springing-up of new rights, &c. &c. In fact, the system that has prevailed in the Equity Courts, of each judicial officer, from the highest to the lowest, shifting from himself everything that is difficult or troublesome, led to much of this unreasonable expense and delay. After a Chancery suit has lasted several years, we have at length a Report, to which, of course, exceptions are taken, and cause set down to be heard before the Court. But if any unfortunate suitor imagines that he is then about to see the end of his troubles, he is grievously mistaken. He may sleep the sleep of Rip Van Winkle, and awake to find the suit as vigorous as ever. Some of the exceptions are allowed, some disallowed, and the Report is sent back again. Then we have a game of battledore and shuttlecock between the Court and the Master, which may last for generations; for, during the protracted proceedings, many of the original parties drop off, or become insolvent, entailing the necessity of bills of revivor, supplemental bills, fresh *pro forma* hearings to "have the BENEFIT of former proceedings," &c. &c.

Chancery Re-form. No unprejudiced person will deny, that an extensive and radical reform is here necessary. Some trifling alterations

See Appendix B.

have been lately made in the conduct of Chancery proceedings, but it is said that the new rules do not work very smoothly, at all events not to the satisfaction of lawyers, who, swayed unconsciously by the impressions of professional education, and unable to conceive the necessity for legal reform, are unwilling instruments to carry it into effect. But antiquated forms and useless technicalities, based upon conditions of society long since passed away, must ultimately yield to the spirit of the times. We require an amended code, administered by a new official instrumentality, to secure the safe and speedy determination of litigated claims,—to facilitate and economize the sale of land in lots,—to liberate the owner from legal disqualifications, such as prevent the most profitable management of his estate,—to afford security to the occupier for outlay on permanent improvements,—in a word, to free the land market from ALL legal restrictions, that prevent productiveness, and infuse into it the quick life and commercial spirit of the age. Those feudal prejudices, still clinging to the proprietorship of land as the distinctive privilege of rank, instead of a source of profitable manufacture, must be scattered by the force of opinion in a great mercantile nation, demanding that agriculture as well as commerce should be free. And such result, by energizing inventive skill, and disembarrassing the application of capital to the soil, must have the ultimate effect of increasing the incomes of the territorial aristocracy, whose true interests ought not, or rather cannot be opposed to the social progress of the people, who, by their moral power and deliberative will, impress the character of stability upon all honours and institutions of the State.

We would be glad to know from the opponents of reform, how many landlords are there in the empire who “can do what they like with their own.” Let them look back on the

past, and reflect on the circumstances of the present time, and ponder well, whether it be wise or prudent to oppose that progress, which they may modify, but cannot prevent. And, in pleading for the necessity of reforming the laws relating to real property, we would not be understood to confine our remarks to Ireland. The various and sometimes conflicting laws and customs relative to the settlement and tenure of land, and to the methods of recovery of rent and incumbrances, that prevail in different districts, tend to impede the facility of interchange and free passage of capital from one place to another. And to remedy these inconveniences, a certain unity of purpose should not only be manifest in the intention of the law, but also pervade, as far as practicable, the modes of its administration throughout the Empire.

Title to fee-simple and fee-farm estates.

With respect to fee-simple and fee-farm estates, the Commissioners give an indefeasible Parliamentary title to lands conveyed by them, "*discharged from all former and other estates, rights, titles, charges, and incumbrances whatsoever, of her Majesty, her heirs and successors, and of all other persons whomsoever.*"—(See 27th section of the Act.) The saving clauses enumerated in the following section relate to tithes and certain other charges, all of which, with the exception of tithes, the Commissioners may redeem; and "*shall express, in such conveyance or assignment, that the land conveyed or assigned thereby is so conveyed or assigned, discharged of all quit or Crown rents, or charges under the said Acts (i. e. the Drainage and Land Improvement Acts mentioned in previous section), or either of them, as the case may be, and in such case such land shall be so discharged accordingly.*" (28th section). Again, the 49th section makes the conveyance by the Commissioners "*conclusive evidence that every application, pro-*

*ceeding, and act whatsoever, which ought to have been made, given, and done previously to the execution of such conveyance or assignment, has been made, given, and done by the persons authorized to make, give, and do the same."* It is impossible, that words more clear and significant could be used to confer a secure and indefeasible title to lands conveyed by this Court; and, if there be a defect, it must lie either in the incompetency of our Legislature to enact the law, or of the English language to give definite expression to their sentiments. We have heard, indeed, of one class of objectors, who have likened a grant from the Commissioners to a conveyance from a private party, liable to be affected by the doctrine of notice as applied to registered and unregistered instruments, and also have complained of the breach of faith committed under sanction of the Legislature, by facilitating the recovery of charges affecting Incumbered Estates, on the ground that every party creating a charge must be understood to have contracted that the incumbrance was only to be raised through the medium of a Chancery suit, and that to deprive an incumbered proprietor of the enviable distinction of being made a defendant in a Chancery cause, is more than a debtor's patience can be expected to endure. Such an unaccountable strain of reasoning may be intended as a veil of fantastic irony to cover an attack upon the opponents of the Commission. But, if the objector be really serious, we can only compare him to the lawyer,

Objectors to  
the Incum-  
bered Estates  
Court Com-  
mission.

Who, loving legal paradoxes,  
The compass of his fancy boxes,  
Till he forgetteth what he means,  
And straight becometh what he feigns,  
A wight so idiosyncratic,  
Folk deem him addled in the attic !

Objectors to  
the Incum-  
bered Estates  
Court Com-  
mission.

But there is another class of objectors, who appear to be seized with a Quixotic sympathy for hereditary insolvency, and laud, with a sort of hero-worship, the fine old Irish landlord, who lives upon the credit of his estate. Such men profess the utmost veneration for the time-honoured system of recovering debts through means of a Chancery Receiver, with his appurtenant solicitor, and periodical statement of facts for the Master, and consequent bills of costs, &c. &c., yet (strange inconsistency !) protest against the selling-price of an estate being in any manner estimated or influenced by a five years' average, evidenced on the oath of the Receiver himself;—who object, that the Commissioners are, at the same time, proceeding too fast and too slow ; that they refuse to follow the injurious Chancery practice of adjourning sales ; and again, that they *do* postpone sales too readily ;—who sneer at the Commissioners for making returns to the House of Commons agreeable to the requisition furnished ; because, from the obscure form of the requisition, the returns were little worth ;—who, stupidly (we will not say intentionally) misstating our recommendation that the Legislature should confer on the Court power to give a Parliamentary title to leases (as is now the case with respect to land), declare, that we recommend the abolition of the remedy by ejectment for non-payment of rent. But we will not dwell longer upon such like objections. The public will judge of their force or applicability in the strong light of accumulated experience.

Title to lease-  
holds.

As to leasehold interests, the Commissioners do not warrant the title of the grantors in such instruments ; but if there is just cause to apprehend any infirmity in the title of the grantor, they invariably refuse to sell or convey the leasehold. Assuming, however, the lease in its inception

to be valid, the Commissioners, by their conveyance, bar the rights of all parties who could have any claim or title thereto ; and, in this sense, they give an indefeasible Parliamentary title to leasehold interests sold in their Court.

With regard to those leasehold interests, it would be Amendments judicious, perhaps, for the Legislature to empower the suggested. Commissioners to ratify (after due notice to all parties concerned) with a Parliamentary sanction the derivative title to the purchaser, without subsequent disturbance of the owner in reversion, whoever he may be. And such a measure would considerably enhance the sales of leases of lives renewable for ever,\* under which, either from corporate bodies or individuals, nearly one-seventh of the land of Ireland is held. This anomalous mode of tenure, the result of the embarrassed position of landlords during the transitional periods of the several confiscations, is totally at variance with the social requirements of the present time; and the complicated restrictions, conditions, and covenants usually contained in these leases, especially such as relate to waste, turbary, and mines, are found to be very prejudicial to the sales. It may be deemed advisable to authorize the Commissioners to annul those injurious or vexatious restrictive covenants, at least such as prevent investment of capital and improvement of land, commuting those possessing pecuniary value into rent, on the principle of the Renewable Leasehold Conversion Acts (12 & 13 Vict. c. 105; 14 & 15 Vict. c. 20); and if the principle of these Acts, with such extended provisions, was applied to every leasehold of this nature

\* See Report of the Commissioners under the Devon Land Commission. They also quote the opinion expressed by the late eminent Sir Michael O'Loghlen, " That any person who is much engaged in the investigation of such titles will find in almost every abstract of the titles a statement of the results of one or more suits in equity for enforcing the right of renewal."

previously to sale, it would prevent many of the evils alluded to.

Origin of certain Irish tenures.

It is curious to trace the historical origin of some of those tenures. The grantors of leases of lives renewable for ever were usually English, who never visited, nor intended to visit their Irish estates, and made these demises for the purpose of obtaining periodical acknowledgments of their title to the reversion. It frequently happened, too, that the lessees, being also absentees, demised again to sub-lessees under similar conditions; the probability of an improvement of the soil by useful occupancy, of course diminishing as the number of middle tenures increased. In tracing back some of the fee-farm estates, it will be frequently found, that where a confiscated tract was intended to be divided among several, one was selected as a kind of a trustee to take out a patent from the Crown for the whole, the others being unable to incur the expense of taking out separate patents, which in former times were a principal source of regal emoluments, and, therefore, too often a covetous incentive to Irish confiscation. The single patentee then demised to the others, to each his own portion, at a small annual rent. Instances of this nature frequently occurred among the officers of regiments serving in Ireland, who selected their Colonel as trustee.

Renewable Leasehold Conversion Act. Amendments suggested

Adverting to the Renewable Leasehold Conversion Acts, and admitting the usefulness of their provisions, we still consider that there is room for improvement. For instance, we do not understand upon what principle a mere Court Receiver is constituted a joint-owner either of the reversion, or of the lease. A Court Receiver is a total stranger, both in fact and in law, to the title and estate; and, assuredly, it is very inconsistent, and practically inconvenient in the

working of the Act, that a mere temporary officer, liable at any moment to dismissal, should be required to accept a grant upon which a heavy rent may be reserved, or, indeed, to become a party to such an instrument as a fee-farm grant, in any capacity.—Again, in expressing our assent to those provisions making fee-farm rents reserved on grants under this Act recoverable as rent-service, we object to the inconsistency of making any distinctions in that respect between rents so reserved and antecedently existing fee-farm rents; and though the Act of last session (14 & 15 Vict. c. 20) has in some degree remedied this grievance, by extending to fee-farm rents generally, and to other rents in Ireland reserved on grants of land, in which the grantors have no Reversions, the remedies provided by the Renewable Leasehold Conversion Act for the recovery of fee-farm rents under that Act; yet we find, still retained, the same perverse exception of the Statutable remedy of ejectment for non-payment of rent in respect to all fee-farm rents other than those coming within the express provisions of the 12 & 13 Vict., c. 105. Now, it appears very absurd to put a party, having such a clear and unquestioned right, to his ejectment at common law for conditions broken,—a proceeding, not only intricate and difficult, but attended, even when successful, with an almost indefinite right of redemption in a Court of Equity by the defaulting party.

As to Church and College leases, the Commissioners have decided, that they possess no jurisdiction to sell a lease held under the lessee of the head landlord, though containing the usual *toties quoties* clause for perpetual renewal. And, as many of these interests are very valuable, we would suggest, that the policy, which authorizes the sale of the lease from the Bishop, should sanction the right to sell the sub-interests likewise.

Incumbered Estates Act. Amendments suggested.

Amendments suggested.

It frequently happens, also, that an owner is entitled to landed property, which, being held neither in fee-simple nor fee-tail, nor under lease in perpetuity, or for sixty years, does not come within the jurisdiction of the Court, and yet that other portions of his estates may be sold in the Court. Now, we would suggest, that, where a petition has been presented for sale of any portion of a debtor's estates, the Commissioners should have power to order a sale of those minor interests also, on application being duly made for that purpose. In short, that the jurisdiction over any part of a debtor's property should confer power to sell the whole. Otherwise, incumbrancers must resort to the Court of Chancery, with all its tedious and expensive machinery, to sell those minor, but often very valuable interests, which the Commissioners, as the law now stands, have no power to deal with.

Amendments suggested.

Another very important amendment required is, to confer jurisdiction to make a legal apportionment of the head-rent between the several lots, in all proper cases, where a petition is presented for sale of the whole of the premises comprised in any lease; the Act (see section 37) conferring this jurisdiction only in cases where the petition is for sale of part only of such leasehold. We are aware of a case now pending, where an order has been made for sale, *inter alia*, of a leasehold interest comprising nearly 100,000 acres, and upwards of 100 townlands, out of which a rent is payable to the head landlord of about £900. Proposals have been made for purchase of some of the lots, into which this leasehold estate has been divided; but intending purchasers are naturally anxious to have the head rent apportioned in such a manner, that a purchaser of one portion should not be liable for the head rent of any other. The head landlord, who is only a tenant for life, is also willing that this

should be done, being well assured that each portion sold would be ample security for the rent placed upon it. However, the Commissioners have no power to make an absolute apportionment of the head rent in this or any analogous case, where the petition is for sale of the whole of the premises comprised in a lease.

Again, in every case where a tenant for life is heavily incumbered, and more especially where a Chancery Receiver is in possession of his property, and where also there are incumbrances affecting the *corpus* of the estate, we would suggest the expediency of allowing an incumbrancer of the tenant for life to petition for a sale for the purpose of clearing off incumbrances on the fee, and thus enabling the creditors of the tenant for life to make good their claims, either by a sale of the life estate or otherwise. Under the Incumbered Estates Act, the tenant for life can now present such a petition, and there is no reason why the same privilege should not be extended to an incumbrancer, who has a more equitable claim to his debt than the incumbered owner to his life estate.

Amendments suggested.

It would also be very desirable to remove all legal and technical obstructions, which prevent trust moneys from being invested in the purchase of land under this Court.

Investment of trust moneys.

And if the Commissioners had the power of selling all arrears of rent together with the estates, it would have the twofold effect of raising the amount of purchase, and preventing the losses and litigations, that frequently occur in consequence of the confusion of claims (for rent and arrears) arising upon change of ownership. As it now stands, intending purchasers are deterred, from the disinclination to place themselves in a disadvantageous position with the tenantry, who may be so deeply in arrear with the former

Power of selling arrears of rent.

owner, as to become unable to fulfil their engagements with the incoming purchaser of the estate.

Land Debenture Bill.

We are not quite convinced of the soundness of that policy which dictated the Bill for authorizing the issue of land debentures to half the amount of the purchase money, and bearing interest at five per cent. as a first charge on estates sold ; but such an Act may be useful in enabling partially incumbered proprietors to retain their properties with a valid title, and in easing the land market from its present glut: and, if it becomes law, we trust it will be carried into effect with diligent care and circumspection, so as not to prop by Statute that ruinous passion for contracting debts, the hereditary fault of an improvident generation.

A peasant proprietary.

Again—While we warmly approve of voluntary associations for the creation of small properties in fee, we would strongly deprecate any legislative scheme for forcing a peasant proprietary\* upon the country. Laws cannot precipitate prosperity, nor instil instantaneous fitness into the national character for an altered social position, with all its routine of novel duties. The great changes that are now reconstructing society in Ireland are the growth of provi-

\* “ I had a Somersetshire farmer over with me lately, who had much experience in English farming and the agricultural management of estates. He expressed himself much struck with the fertility of the soil. I think a great deal of the opinion of these practical men. I fear we are at present too theoretical in our farming, and too much at the mercy of stewards. I am more anxious for the advent of some of our English yeomanry (a class unknown here) than any other grade.”—*Letter from Colonel Kitchener to the Author. December 17, 1851.*

This is the description, of middle class, which would be really useful in Ireland at the present time ; but the materials for the formation of such a class are not altogether wanting even in the south of Ireland, although the advantage of the example of the trained English or Scotch farmer is freely admitted.

dential circumstances, and will work out their own auspicious solution, if all obstacles to their free development be withdrawn. Let law and government secure, as far as they can, the inviolability of life and property, and the fidelity of credit ; promote improvement, by simplifying and consolidating the Statutes relating to landlord and tenant ; and facilitate the sale and transfer of land by some permanent tribunal, either independent, or attached to other Law Courts, but constituted mainly on the plan of the Incumbered Estates Commission,\*—and then, the inert capital, which exists in overflowing abundance in both countries will freely stream into ten thousand channels, without further aid than what is now afforded by the various Land Improvement Acts. To render these Acts more generally useful, they should be consolidated, and extended in their application to loans for railways, and other objects of public importance.

In order to exhibit clearly to our readers that condition of landed property, which necessitated the enactment of a summary Statute to give justice to creditors, and restore confidence to the country, we shall adduce two examples :—First, the extensive estates in Connaught of the late Mr. Martin ; secondly, the estates in Munster of a nobleman who possesses, in the reverses of fortune, the sincere sympathy of many friends, whom his generous disposition and hospitality have won.

The first incumbrancer on the Ballinahinch estates was a Ballinahinch Estates

\* Petitions for sale cannot be presented after July 28, 1852, leaving two years for closing the business of the Commission. But by that time, the number of petitions will probably have increased to four thousand for sale of estates, the total rental of which can be little less than one-tenth of the rental of Ireland ; and it will then take several years to wind up the business of the Court.

creditor for £37,500. And, for the purpose of paying off the numerous minor incumbrances, it was agreed, some years since, that the Law Life Insurance Society should advance £160,000 to cover those charges, provided the first incumbrancer released his priority, which was accordingly done, with implicit reliance on the sufficiency of the property to satisfy all demands upon it. But the incumbered proprietor could not meet his engagements after the fall of agricultural prices, much less develop the varied resources the lands were known to contain ; and the scattered tenantry, who possessed neither energy, nor skill, nor capital to work their farms, and depended upon the potato for subsistence, were completely ruined by its failure. Now, the total proceeds of the rents for the last two years have been, we believe, inadequate to meet the poor rates and annual outgoings of the estate ; and the Commissioners have been called upon to allocate a portion of the purchase-money of a lot sold by private contract to discharge these claims. However, there is no doubt, that when this great territorial district is sold in lots, the many natural advantages of soil, fisheries, and minerals it contains, will yield ample remunerative returns to the application of capital.

The circumstances, that led to the breaking up of this great territorial estate, present a sad illustration of the vicissitudes of fortune among the ancient aristocracy of Ireland. The late Thomas Barnwell Martin, who died from fever, caught during the zealous execution of his duty as poor-law guardian (and he was emphatically a guardian of the poor) left one daughter, the last lineal descendant of one of the earliest Norman settlers in Ireland. This lady contracted a debt for food to support her famishing tenantry in the years of famine ; prompt payment was demanded, but, with the characteristic humanity of her family, she would not press her dependents in their distress, and a

sheriff's execution swept the mansion and demesne of Ballinahinch. This was the flash that disclosed the coming ruin. Mrs. Martin, with her husband, fled their dismantled home. She died within sight of a foreign land, childless, and an exile ; thus fulfilling, in the closing scene of the destinies of an illustrious race, the solution of that melancholy yet triumphant motto, which Cœur de Lion conferred on her great ancestor,\* who fought by his side in the Holy Wars, and shared his subsequent captivity,

“ Sic itur ad astra.”

We proceed, in the next place, to exhibit the state of the Kingston Estates. property of the Earl of Kingston. The unsettled estates, situate in the counties of Cork, Limerick, and Tipperary, now in process of sale, are thus circumstanced. The incumbrances for principal and interest amount to about £300,000, exclusive of about £140,000, for which other estates (the settled estates) are liable in the first degree. Now it appears on the printed rental, that, without enumerating a multitude of under-tenants, there are 1607 tenants under the fee, reckoning each partnership tenancy as one ; and of this number, 1010 pay rents not exceeding five pounds per annum. The gross rental is £16,696, giving an average of little more than £10 to each tenant, while the average net annual receipts for the five years ending March 25th, 1850, according to the Receiver's accounts, is only £5,667 ; the interest on the incumbrances being £12,632 2s. 4d. per annum. Thus it appears, that the debt is increasing *pari passu* with the accumulation of the arrears, at the rate of £7,000 a year.

The three lots† sold on the 17th of June, about which

\* Sir Oliver Martin.

† It so happens, that the sales of these lots offer fair samples of the great and various benefits the nation must derive from throwing open hopelessly incumbered estates to individual enterprise. Mr. Morgan, a

such an unmeaning outcry was raised against the Court, brought forty-three years' purchase of the average net receipts ; and the prices will, in fact, relieve the estate from twice as much interest as the rent of the lots sufficed to satisfy. The purchasers will, of course, receive remunerative returns for their money ; for there is every reason to believe that they possess capital, and will apply it to the management of their purchases with a concentrated zeal and attention, which an incumbered owner was unable to bestow, and which, even were he solvent, he would be likely to overlook in consequence of the territorial extent of his property. It is scarcely necessary to observe, that poor-rates must diminish, and wages increase, in proportion as capital is applied to employment. Once relieved from incumbrances and from the incubus of a Chancery Receivership, these estates, possessing such varied capabilities, and so beautifully and conveniently situated, must yield ample return to purchasers.†

county of Cork gentleman, and an excellent agriculturist, purchased one lot (No. 7) ; Mr. Peter Brown of Manchester invested his capital in another lot (No. 47) ; and Mr. Dwyer, who by his industry had achieved an independence in the United States, purchased the third lot (No. 28), on which he was born, and directed that the conveyance should be made to his mother, as she had objected in her declining years to return with him to a distant country. Several instances have lately occurred of emigrants returning to purchase land under the Incumbered Estates Court in the south of Ireland ; and there is every probability that the number will rapidly increase. *The exodus will have its re-action*, if the country improves in peaceful industry.

† Instances have been mentioned, where tenants have been rack-rented by purchasers under the Court. Such cases are, however, comparatively few. Should these pages meet the eye of any merchants or professional men, unused to the management of land, who have become owners of large tracts, we would observe to them respectfully, but decidedly, that, in their cases, a tenantry is as necessary to the successful manufacture of land, as the producer is to the capitalist in any other business ; and tenants will neither be contented nor rent-producing, unless they are treated with justice and humanity.

After perusal of the foregoing plain and unvarnished statements of facts, may we not fairly require objectors to forego their charges against the policy of the Act of Parliament, and the practice of the Incumbered Estates Commissioners, until they are prepared to propound a better plan to save all classes from impending ruin, in a country throughout a great part of which the landlord claims revenue without profit, the creditor has promises and no pay, the farmer land without capital, the labourer the workhouse dole ; and where attorneys, Chancery Receivers, emigrantship owners, and poor-law officials alone flourish amid the masses of social and agricultural decay around them ?

We now conclude our observations on the policy and practice of the Incumbered Estates Court, referring our readers to the Appendix\* for several statistical tables, which will exhibit some curious and important particulars. The general results of the working of the Court have been, the discharge of a vast amount of debts and mortgages, to be re-invested in the purchase of land, and the increase of security, industry, and general prosperity throughout Ireland.

Concluding  
observations  
on the Incum-  
bered Estates  
Court.

Now, with respect to the legal tenure and taxation of land :—the confusion and distresses of late years have aggravated and brought prominently forward the difficulties of the landlord and tenant question in Ireland ; but the schemes proposed by some who advocate the rights of occupiers would prove to be subversive of the right of owners, and a practical reversal of the principle of free trade. The methodical tenant-right prevailing in part of the North, and which has no Statutory recognition whatever, arose from the peculiar position and necessities of the proprietors of the for-

Tenure and  
taxation of  
land.

Tenant-right.

\* Appendix A.

feited estates centuries since, amongst whom the custom grew up of allowing a yearly tenant to transfer the interest in his farm on payment of all arrears of rent. As a custom, it has *generally* worked well among a population of industrious habits and fixed notions of moral equity ; and the neglect of the natural and just rights of tenants in other parts of the country has certainly given rise to much agrarian outrage, as the word itself intimates. But to impose the traditional tenant-right of the North, as a positive law, upon the country, would be a most dangerous and unjustifiable interference with the land market ; for laws cannot be framed to control the freedom of dealing between landlord and tenant, without injustice to one, if not indeed ultimately to both of the contracting parties. The apparent necessity too for such interference has abated, since the tide of competition has turned, and landlords (rather than tenants) are now in the market, competing for solvent tenants at diminished rents.\* Indeed, land in Ireland, on a strict comparison of productive capabilities, has always been cheaper than land in England or Scotland ; but want of skill has reversed the comparison, the returns of produce in England per acre exceeding by at least one-third the returns in Ireland ; and this may be instanced also within the bounds of our country. In 1845, the number of arable acres in Down to each head of the rural population was  $1\frac{1}{2}$ , in Galway  $3\frac{3}{8}$ , or more than double ;† and yet Down pros-

Land in Ireland cheaper than land in England.

\* This is evidenced by the increasing numbers of English and Scotch settlers in the west and south of Ireland, who have obtained tracts at long leases and moderate rents, and on which they are not discouraged from expending their capital by the assessed taxes, that press so heavily on farmers at the other side of the channel, heavy poor rates being the only tax to be feared in Ireland, and that is nearly absorbed by the increased demand for labour, wherever land is rented by solvent and industrious occupiers.

† See Sharman Crawford's evidence before the Devon Commission.

pered, living on what grew above the ground, while Galway starved, depending on a precarious root. The terrible famine has achieved within a short period a reform in Irish agriculture, which half a century of precept would not have accomplished; and it is the legitimate province of Government to encourage the improvement that has commenced, by endowing tenants for life with still more extended leasing powers, and by empowering them to charge improvements on the inheritance according to the principle adopted in the Land Improvement Act, as well as by facilitating all such arrangements between proprietors and occupiers, as tend to cherish industry and inculcate mutual good feeling.

We do not know any system of dealing between landlord and tenant preferable to the Scotch method of hiring land, judiciously divided and drained, with all suitable farm-buildings thereon, for a definite term of years; the landlord contributing the raw material and fixtures, and receiving his rent; the tenant contributing the capital and labour, and receiving his profits. The evidence on the Devon Commission records only twenty-one proprietors in Ireland who supplied the whole cost for erection of farm-buildings; and needy owners will, of course, object, that they do not possess the funds to imitate such landlords as Sir Edward Tierney, whose fine estates in Cork present an admirable specimen of high culture and efficient management, under his own immediate superintendence.\* But landlords, who

Landlord and  
tenant in  
Scotland.

\* We may observe here, that the 14 & 15 Vict. c. 25, grants to tenants, in certain cases, the right to remove buildings and fixtures constructed by them, except the landlord consents to take the same at a valuation. But this is only nibbling at the difficulties of a code requiring general reform and consolidation in all its branches.

One of Sir E. Tierney's estates, Churchtown, is an electoral division in itself, and no poor rate has been struck on it (except the rate in aid) for the last five years. This proves the advantage of a good landlord

13 & 14 Vict.  
c. 31.

cannot themselves afford the expenditure, do not appear over-anxious to avail themselves of aid for this purpose; for up to April, 1851, only fourteen loans,\* amounting to £7650, have been made under the 13 & 14 Vict. c. 31, which authorizes advances for the erection of farm-buildings, the principal and interest to be repaid in twenty-two years, by an annuity of  $6\frac{1}{2}$  per cent. Certainly, this Act requires, that whenever there is not a suitable residence for the occupier on the land, the landlord should erect one out of his own funds, at a cost of at least one-third the amount of loan,—a very proper stipulation, but which may occasionally act as a damper on the proprietor's desire of improving his estate. However, we would not censure the disinclination to borrow, which is, perhaps, in most cases, rather a sign of improvement; and we hail with satisfaction, as a proof of mutual good sense and increasing kind feeling between classes too long in antagonism, the fact communicated by Mr. Golding, Inspector of Drainage for Monaghan, to the Commissioners of Public Works, "that many landlords, instead of borrowing money to improve their properties, have adopted the plan of inducing their tenants to execute drainage works themselves, and have allowed the cost in their rents."

Suggested legal improvements.

County Boards.

There are two important improvements in the agricultural and social condition of Ireland within the province of the Legislature to bestow:—1st. To substitute, for the present system of grand jury assessment, county boards, triennially elected by the principal rate-payers, to administer

and a solvent and respectable tenantry. And we may fairly expect similar beneficial results on properties now in a ruinous state, which pass, under the hammer of the Incumbered Estates Commissioners, into the possession of independent and enterprising proprietors.

\* See Nineteenth Report of the Board of Works.

the fiscal affairs of each county, and to conduct all useful public works under the guidance of the Commissioners of Public Works, or some other controlling body, similarly constituted ; apportioning the tax (which is now borne exclusively by the occupier) among all classes, on the principle of the poor-rate ; for it is only just, that the participants of common benefits should each contribute his quota to their cost. 2ndly. To constitute the assistant-barristers <sup>County Judges.</sup> puisne judges presiding over permanent County Courts, with increased jurisdiction,\* and power to try cases of ejectment on title for breaches of conditions, especially in cases of alienation or division of farms. In short, to localize justice, and make its administration speedy and cheap.

In the selection of these county judges, especial care <sup>Appointment of County Judges.</sup> should be taken to avoid the error, too often committed in Ireland, of appointing, under the influence of political pre-dilection or personal favour, indiscreet or incompetent persons to the office. Inferior judicial functionaries, whose sphere of duty is in comparatively remote districts, are, to a certain extent, removed from the control of colleagues, as well as from the jealous vigilance of professional and public opinion, which exercise so powerful an influence on the judges of the superior courts : and hence, when these inferior legal functionaries exhibit any indiscreet conduct, or administer the laws injudiciously, the fault is often overlooked, and the law itself comes to be despised or defied by the masses.

The list of our magistracy also requires revision. All <sup>Revision of the Magistracy.</sup> insolvent or incompetent persons, holding the commission of

\* The Act 14 and 15 Vict. c. 57, has extended the jurisdiction of the assistant barristers considerably ; but there is still room for improvement both in the civil and criminal jurisdiction of their Courts.

The Ribbon  
Conspiracy.

the peace, ought to be superseded ; and no niggardly economy should prevent the appointment of additional and *intelligent* stipendiary magistrates in districts where local gentry, of sufficient station and ability, cannot be obtained. A certain number of these stipendiaries, with a trained staff of detective police, should be destined for the special service of every locality disgraced by agrarian combinations ; and this should be at the public cost—for, to assess the expense, without discrimination, upon the inhabitants of a district, amongst whom are included the very individuals against whose persons or properties the outrages are committed, is more calculated to awaken the discontent of peaceful and loyal men, than to repress the crime of the lurking assassin and his abettors. The diabolical Ribbon system, which has happily disappeared from the greater part of the country, still erects its bloody tribunals in a few corners of the land, in defiance of all religion and social order, preventing the investment of capital, and indefinitely protracting the reform of the laws relative to the tenure of land. These agrarian conspiracies ought to be tracked with sleepless vigilance ; and if the peasantry are so wicked as to join their blood-stained councils, or so weak as to become dumb before their threats, a despotic police espionage should be set over every suspected house and family, until the criminals are found, and the system crushed. The murder of Mr. Bateson was not the sole act of two or three hired ruffians. We do not hesitate to affirm, that every member of every Ribbon association in Ireland is morally guilty of the murder of that lamented gentleman ; and every one, cognisant of the existence of such organized schemes of assassination, who declines, *from whatever motive*, to inform the authorities, is, in the eye of God, and in the spirit of constitutional law, an accomplice.

The practice of allowing an ejectment for non-payment of rent to be brought against a yearly tenant, instead of requiring that he should be served in the first instance (whatever might be his arrear) with a six or twelve months' notice to quit, and then proceeded against by ejectment on the title, seems to have been felt by the Legislature : for by 15th Vict. c. 57, section 73, the landlord is allowed to proceed by civil bill ejectment for non-payment of rent against yearly tenants, when the year's rent does not exceed £50.

Inconsistencies in the law of ejectment.

Why this excellent law was confined to cases where the rent does not exceed £50, and more especially, why it should be law in the assistant-barrister's court, and not in the superior courts, it is not easy to understand.—Again, the time allowed for redemption, which is nine, not six months, where the tenant has mortgaged his interest, is nothing more than a notable contrivance to keep land out of cultivation during the interval. Or, if the landlord lets the land, subject to the ejected tenant's right to redeem, he probably sows the seed of a plentiful crop of litigation between the former tenant (if he redeems) and the temporary tenant, and between both and himself;—and it is well if the affair is settled between all parties without broken heads, or more serious consequences. Indeed, the too general custom of allowing tenants to run in arrear not only checks improvement, but deteriorates the character, and degrades the independence of the tenant, turning him either into a cringing serf or a vindictive enemy, completely in the power of his landlord, and having no motive to urge his industry ; inasmuch as the profits of his labour would be all absorbed by the landlord's demand.

Now, legislation may in great part remedy this evil, as also the mischiefs and litigations arising from the present law of ejectment,—by allowing only one year's rent to be

Amendments suggested in the law of ejectment.

recoverable by the landlord; and (whenever it is deemed necessary to resort to ejectment) by abolishing the six or nine months' clause of redemption; reserving to the court or judge (on special application) a right to stay execution for a short time, if the circumstances of the case, in his opinion, justify postponement; and, should an appeal occur on a question of law, the county judge to have the power of stating the case for the decision of the judge of assize, which is to be final. On application of either party, both Courts to have full jurisdiction to amend errors in matters of mere form, or in such as do not affect the essential verity of the proceeding. And, when unauthorized possession is resumed by the tenant, or by any claiming under him (a common practice in Ireland), the decree of ejectment to remain in full force, capable of being executed anew, on a magistrate's warrant, which should be founded on a sufficient affidavit, made at the Petty Sessions Court of the district, and lodged with the clerk of the peace.

However, the land tenure question has been rendered so difficult and complicated by class prejudices and injudicious legislation, that the whole system must be digested anew, and adapted to the growing requirements of the age, keeping steadily in view these three results:—1st. Facilitating commercial dealings in land;—2nd. Securing both to owner and occupier the investment of capital in improvements;—and 3rd. Sanctioning the summary enforcement of those mutual obligations which have been freely entered into in open market by the contracting parties for letting and hire of land.—With peace, security, free contracts, and cheap and carefully administered law, agriculture must flourish; and manufactures,\* the necessary accompaniment of national prosperity, be grafted on its success.

\* For some interesting particulars respecting the progress of manufacturing industry, see Appendix C.

It is an error to imagine, that money capital is wanting in Ireland. In public securities, and the coffers of friendly societies, there are at least forty-five millions lying unproductive. And the difference of funded transfers, which for the year ending 5th January, 1850,\* was in favour of England to the amount of £810,758 1s., has been reduced for the subsequent year to £44,523 11s. 10d., and will probably be found in favour of Ireland on 5th January, 1852. This is a convincing proof of the increasing amount of capital, that is gradually finding its way into the land market; which is also further evidenced by the fact, that Irish purchasers under the Incumbered Estates Court exceed the English by twenty to one in numbers, and by at least twelve to one in the total amount invested. Even in 1846-7, money freely circulated in those parts of the Kingdom where manufactures flourished; but, where these were wanting, and land, the chief element of material wealth, was tied up in the possession of incumbered owners, who could neither sell nor profitably use it;—in such cases money was deprived of its circulating vitality. Now, however, that the difficulty of selling incumbered estates is withdrawn, money, as the instrument for facilitating exchanges, the link between seller and purchaser, will be necessarily transferred from the glutted hoards of banks and funds to reproductive uses; and industry will find its most potent auxiliary in that increased monetary accommodation the country so much requires; but which could be neither safely developed,† nor smoothly

Abundance of  
capital in Ire-  
land.

\* See Appendix D. The Author could not obtain the returns for January 5, 1852.

† Witness the failure of the Agricultural Banks in Ireland a few years ago. Alluding to the question of increased monetary accommodation, the gold discoveries must ultimately have the effect of enlarging the restricted currency of the Empire, and thus raising the profits of capital, and the wages of labour in Ireland.

worked, under the disruption of social interests and disregard of legal obligation hitherto prevailing in Ireland.

Board of Public Works in Ireland.

Arterial Drainage.

Railways and Inland Navigation.

We now proceed to consider the evidence of progress afforded by the nineteenth Report of the Commissioners of Public Works in Ireland. The Report declares, that "at the present moment a feeling of hope has succeeded to apathy, and a spirit of industry prevails from the highest to the lowest." And we find that, since the original appropriation, by the 1st and 2nd Wm. IV., c. 33, to 5th January, 1851, the total amount of public loans and grants in Ireland is £7,785,865 12s. 3d.—£5,959,559 15s. having been expended up to that date, and £1,826,305 17s. 3d. remaining to be issued. The results of arterial drainage, which, for useful adaptation to the requirements of the country, and economy of expenditure in comparison with the amount of beneficial returns, is without a parallel in any country, may be briefly enumerated as follows:—The area of catchment or rain basin of the districts in course of drainage is estimated at 6,751,305 acres, or about one-third of the surface of the island; and at least a thirteenth, or about 500,000 acres, will be indirectly benefited, and probably not less than 200,000 acres of flooded and marshy lands permanently relieved by these vast drainage operations. It must also be borne in mind, that these improved tracts lie chiefly in the most available localities for culture and export of productions, in the vicinity of railways and along navigable rivers and canals; for the country is now spanned in its length and breadth by railways, 614 miles of rail being already open, and one link only wanting to connect Belfast and Limerick, as Sligo and Dublin, by inland waters. The Lough Erne and Shannon Junction\* will be completed

\* See an admirable article, "The Water-Ways of Ireland," in "The

in two years, at an expense, per mile, of about one-fifth of the cost of constructing the Royal Canal—an expense, too, that will be considerably diminished, in consequence of at least 7000 acres being relieved from flood by this important water-way. And then, the Shannon navigation, with its associated lakes, canals, and river channels, will be little short of 800 miles; opening up the great central plain of Ireland, with its net-work of bog and moorland, to the commercial enterprise of the principal ports on every side: so that fully one-half of the island, both territorially as well as in respect to population, will be benefited, more or less, by these vast and skilfully designed improvements.

We would not be understood, however, to limit the beneficial effects to facilitating the exports of our productions. A much more important result, both in a social and economic view, is the springing up of an internal trade, the establishment of regular communication with tracts hitherto insulated, by the natural obstacles of mountain, river, or untraversed morass, from the civilizing influences of frequent intercourse with surrounding districts; while this insulation did not even develop the sentiments of freedom and contentment, so frequently exhibited among small populations, shut in by natural barriers.

Out of the drainage districts,\* in which final notices have been issued, thirty-nine final awards were made in

Results of  
Arterial  
drainage.

"Advocate" of Feb. 4. There is every probability, that the opening of this communication will create a demand in contiguous markets for the coal, and perhaps for the iron also, of Arigna.

\* In several large districts a sufficient amount of assents to constitute the majority are still withheld, while labourers are unemployed and poor rates increasing. We would particularly instance the case of the drainage of the Fergus, where a vast extent of the richest alluvial soil in the Em-

1849 and 1850, and probably forty additional awards have been completed in 1851. But, according to the report of these thirty-nine awards, 21,032A. 1R. 5P., hitherto totally submerged, have been relieved from water, and thereby increased in estimated value £7,408 per annum, at an average cost per acre of £3 15s. 6d.; to be repaid by half-yearly instalments, in periods from twelve to twenty-three years, according to the circumstances of each case. This, in fact, may be considered an additament of territory to the state, a creation of property without any investment on the part of the owner; for the dormant qualities of the alluvial soil being relieved from the floods, which for unrecorded years had deposited the elements of fertility on its surface, are capable of yielding immediate remunerative returns, a single crop in many instances covering the whole cost of drainage. For example: Mr. Gisborne, engineer of the Strokestown district, county of Roscommon, testifies of the works in that locality:—"The expenditure up to the end of 1850 is £27,666, while the profits during the same period are equal to 40 per cent., and this with little more than one-eighth of the lands relieved being brought into cultivation."

Land Improvement  
Act. Drainage.

Under the Land Improvement Act, 10 Vict. c. 32, 2281 loans have been issued, amounting to £1,042,617. The amount expended in the past year alone was £207,000. The total number of acres drained under this Act is 107,660, at an average cost of £4 10s. per acre; and a considerable portion of this land has been afterwards subsoiled. Upwards of 30,000 acres have been drained during the last

pire, and peculiarly adapted for the growth of hemp, is rendered unproductive by floods.—See *Nineteenth Report of Board of Public Works*, p. 54, &c.

year, the progress inspections of which have amounted to only £1 14s. per cent. on the gross expenditure. It may be observed, in proof of unabated confidence in the utility of this Act, that in King's County and Tipperary several applications for loans have been made by purchasers under the Act for facilitating the sale of Incumbered Estates in Ireland. By the works of the Loughs Corrib and Mask district, independently of the addition to mill power, and opening up forty miles of navigation into the interior of a country, the mineral and agricultural resources of which are undeveloped, 20,972 acres will be relieved by the drainage. The Ballinahinch and other large estates, that have been sold, or advertised for sale, in these districts, are already much enhanced in value by these improvements, the value and importance of which will be widely disseminated by the numerous tourists of last summer, who, like the American ambassador, have admired the picturesque mountains of Connemara, and gazed upon its *unappropriated* fertile plains, and wide-spreading lakes, never yet touched by the keel of traffic. Nature is as bountiful in Ireland as in America; and well might Mr. Lawrence wonder, that the Irishman should devote his labour to cultivate the wastes of the far West, when his native country presented analogous opportunities for enterprise, with the additional advantage of the vicinage of a market for produce. Galway, however, is exhibiting more decided signs of improvement than any other county of the western province; and we may expect, ere long, to see her ample water-power appropriated, by the establishment of cotton and other factories, and the great port of the West\* assume the rank to which

\* The course adopted by the people of Belfast, in reference to the Galway Packet Station, plainly exemplifies the energy and commercial spirit, that have produced the comparative prosperity of the northern pro-

it is entitled, both from commercial position and the diversified resources of that extensive lake district, of which it is the outlet and the key.

Moral and industrial effects of the Public Drainage Works.

But the widely-diffused drainage works carried on in Ireland have not only been successful as an agricultural speculation, but have also served the practical purpose of an industrial training-school on an extensive scale. The satisfactory nature of cash payments for labour, and the substitution of task-work (which is, in fact, a system of small contracts) for daily employment, have improved the moral character, awakened the self-reliance, and increased the skill of the labourer. Mr. Gray, one of the inspecting engineers in the midland counties, testifying to the advantages of this system, states, that "*the labourer does forty per cent. more work, and does that work better.*" Indeed, there is no doubt, that agriculture in Ireland has received much benefit from the example and advice of educated agriculturists, who have been sent into the rural districts to superintend these works ; and that to the admirable system of reclaimage, which they have so successfully carried out, we owe the cheering result stated in the Report of the Board of Works : "That tenants, instead of making objections to improvements, as was the case two years since, now beset their landlords, imploring them to apply for loans to be expended on their own farms, undertaking to pay the twenty-two years' annuity of  $6\frac{1}{2}$  per cent., in addi-

vince. Instead of waiting for the attainment of a controverted claim, that Ireland should be made the pathway of Anglo-American communication, they say, "We want a western port for our own commerce with America, and we will complete the railway between Belfast and Galway to facilitate the project." How quickly such a railway would develop the industrial and natural resources of Connaught need not now be demonstrated.

tion to their rent." In alluding to the improvement of the working classes, we should recollect, that in agriculture, as in other practical pursuits, labour, when not excessive, is one of the strongest incentives to improvement; and that from the school of humble toil and patient observation have sprung those famous inventors, whose names are indissolubly linked with the glory of England, and the progress of the human race.

The Inspecting Commissioners of Fisheries also attest, *Fisheries.* that the fisheries of the south and west of Ireland afford gratifying proofs of progress, chiefly in consequence of the facilities of transit afforded by the railways, and which must tend to increase the price of those estates, situate on the great lakes and on the sea-coasts of the west, now in the market for sale. The fishery trade, like agriculture, is in course of transition from an ill-regulated to a sound and healthy system; and wealthy purchasers, who make venture upon these districts, as yet untouched by capital, and fearfully reduced in population by famine and emigration, may introduce a stronger description of fishing-gear, and larger vessels, fitted for deep sea-fishing in the distant offings, that for want of such a class of vessels have been totally neglected, although known to abound with fish.\*

With a resident and solvent maritime proprietary, we should never again witness the spectacle of Galway fishermen using herrings as manure, on account of their inability to buy salt to cure them. At the present time, the sale of fresh fish in Dublin is rapidly increasing, and would be even more extensive, if the scale of railway charges was lowered,

\* Besides the smaller fish, which are to be found in vast numbers, there is every probability of the existence of a cod-bank about seventy miles off the coast of Galway.

and the present system of auction by fish-factors in Dublin altogether abolished. But our metropolis will not consume all; and Liverpool and the inland towns of northern England offer to enterprising capitalists an unlimited market for the surplus.

Report of  
Poor-law Com-  
missioners.

The Fourth Annual Report of the Commissioners for Administering the Poor Laws in Ireland also affords very decisive proofs of the progress of improvement, and of the abatement of those evils under which the country groaned. Upon examination of the poor-law statistics of Ireland, amid much still to discourage, there are also evidences of considerable improvement. The health and moral condition of the workhouse inmates are improved, owing chiefly to judicious educational and sanitary arrangements, the adoption of reproductive labour, proper classification of inmates, and a better dietary. Out-door relief has been generally discontinued, while house accommodation has been increased, and the expenditure has been diminished fully one-half.

The number of workhouses has been increased from 131 to 163. The house accommodation, March 25th, 1847, was for 114,129.  
 " " " 1851, " 308,885.

The aggregate extent of accommodation available beyond the number relieved was, at the latter date, 60,491. In 1847, the average weekly mortality per thousand was 25.6; for the year ending 26th April, 1851, only 5.9. The expenditure for the year ending the 29th of September, 1849, was £2,177,651, which in the subsequent year was reduced to £1,430,108. Also, since the 25th of March, 1850, to April, 1851, 1721 persons of both sexes, chiefly youth, carefully and industrially trained, have been sent to the colonies from the workhouses. By the extension of

useful employment in trades and in agriculture, and by the instruction of the young in such pursuits, the Government have in great part abandoned the principle of the stone-breaking theory, that so demoralized and degraded the pauper, and made him consider poor laws rather a penal retaliation on his poverty than a humane relief of his distress. The quantity of land, too, which may be attached as farms to workhouses, has been enlarged to twenty-five acres for employment of inmates under sixteen (11 & 12 Vict. c. 25, s. 1); and although the proceeds of pauper labour cannot, in any instance, entirely supersede the necessity of a poor-rate, yet it will considerably diminish its amount; besides, that reproductive labour has a certain moral value, independently of its material results; and the substitution of useful occupation for compulsory idleness or punitive employment, has elevated the character and cheered the hope of the pauper, and rendered him more fit for independent labour, as well as more willing to undertake it, when the market demands a supply. The comparative number of paupers in any Union is too small, and the workhouses too widely apart, to admit the objection, that any injurious interference with the labour market can arise from workhouse employment. And the prejudiced views of certain political economists should not be allowed to prevent the adoption of a system, proved by its results to be so beneficial to the inmates of the workhouses, as well as to the fiscal condition of the Union.\*

In Roscommon, where several properties have changed hands under the Incumbered Estates Court, and where extensive public works are in progress, the amount of poor-rate has rapidly decreased. Thus, in Ballinrobe Union, the daily average relief in 1849 was 223,415, and daily em-

\* See Appendix E. *Workhouse Employment.*

ployment in drainage 4,550 ; while in 1850 the daily employment was increased to 11,936, and the daily average relief fell to 44,055.\*

ayment of  
public debts  
by the Incum-  
bered Estates  
Commission-  
ers.

It is also to be observed, that the facilities of payment of arrears of poor-rates due on insolvent and mismanaged estates, which are afforded by sales in the Incumbered Estates Court, have greatly contributed to restore the financial condition of Poor-law Unions, and prevent the imposition of additional rates. The amount of arrears due† prior to the sale, and which in such instances would be impossible of recovery without tardy and expensive litigation, being at once paid by the Commissioners out of the funds of the sale, without any trouble or expense, except a short application by affidavit, stating the facts. Thus, an end is put to those social evils and confusions, arising from the unnatural conflict of financial jurisprudence with the agricultural interests, and which implant a fixed dislike to civil order and government in the minds of weak and discontented persons, who ascribe these evils to a bad and despotic law; either not clearly perceiving the originating causes, or reasoning unjustly from their effects.

The same observation applies to other public debts,—for instance, when there has been an expenditure under the Land Improvement Act upon an insolvent or mismanaged estate, sold in the Incumbered Estates Court, the instalments due are at once paid out of the funds of the sale. The purchasers also, in many instances, rather than let a debt remain on the property, prefer to increase the amount of their purchase-money, in order to pay off the balance of the loan. Thus, a vexatious litigation to recover the instal-

\* See a communication from Mr. F. Barry, C. E., in Nineteenth Report of the Commissioners of the Board of Works in Ireland.

† Only two years' arrears of poor-rates can be recovered according to the Statutable limitation.

ments due is not only prevented, but the whole amount of the sum expended is repaid, with interest to the Commissioners of the Board of Works, to be again funded for re-issue on works of improvement; while the new proprietor expends his own capital to complete the drainage of his estate.

But, amid evidences of progress apparent on every side, Emigration, a difficulty, that could not have been anticipated a few years since, is now continually experienced—that is, the occasional deficiency in supply of labour. And this leads us to the all-absorbing topic of emigration. The great question of over-population, or how to get rid of the (assumed) excess beyond the productive powers of the soil to sustain, which has occupied so many Parliamentary Committees, and puzzled so many political sciolists, is now *more than solved* by circumstances beyond legislative control. The link of patriotism is broken with the mass of the people—or rather, Irishmen fly to another Ireland in America, for a large proportion of the population, especially of the south and west have relatives at the other side of the Atlantic, who send to their friends at home the means of emigrating; the total sum transmitted during the year just closed being probably not far short of £850,000. The rate of decennial increase in the United States is now more than double that of England. From Ireland *man* has become the chief article of export; and emigration, which has been steadily increasing since 1815, has swelled into an immense traffic. Comparing the Census of 1841 with 1851, Mayo, Galway, Roscommon, and Cork, have lost considerably over 30 per cent. of their inhabitants: and the Inspecting Commissioners of Fisheries, in their Report for the year 1850, record their belief, that the maritime population of the south and west are diminished by more than one-half since 1845. Of these, the famine has had its share of victims; but by far the greater

number became soldiers of that great army of occupation, which is penetrating into the vast regions of central and western North America.

We learn from the Report of the Commissioners of the Board of Public Works, that in the Loughoughter district (in Leitrim, Longford, and Cavan), where 2,500 men were required for the drainage in October, 1850, not more than 1,300 could be procured. The consolidation of holdings is a principal cause of emigration ; and Major Larcom's Returns\* exhibit a decrease of holdings between 1849–50 of one twenty-ninth of the total number of holdings in Ireland ; but he also testifies to “the increasing investment of capital in agriculture, and the abandonment of that unskilled husbandry, which almost invariably attended the minute subdivision of land without capital.” However, it is not only from Ireland, but also from England and Scotland,† that this emigration, unprecedented in history, proceeds. The Irishman, driven from fatherland by the expatriating influence of the clearance system, or despairing of the recovery of his fallen country ; the Briton, under the urgent stimulus of enterprise, or flying from a heavily taxed country to regions where taxation is scarcely felt, and employment is in constant and remunerative demand.

Amid the tumult and confusion of hundreds of thousands hurrying seaward, one feels distracted, and almost incapable of reasoning calmly upon this national exodus. Yet we

\* See Appendix F. *Agricultural Statistics.*

† The increase on emigration of 1849 over 1848 is :—from England, 50 per cent. ; from Ireland, 40 per cent. ; and from Scotland, 62 per cent. But during the years 1850 and 1851, the proportion of emigrants from Ireland has greatly increased. Thom, in an ingenious and well-considered article in his Red Book for 1852, calculates the emigration from the United Kingdom in 1851 at 350,000, of which the proportion from Ireland is about 279,000.

would draw cheerful conclusions from the event; which will have the double effect of raising the wages of the labourer and emptying the workhouses at home; while the generous temperament of the emigrant Irish, shrouded here by national misfortune, unfolds beneath more genial skies; and the spirit, that despair and apathy had well nigh extinguished, bursts into life and light, when brought in contact with the irrepressible energy of the American. Experiencing the direct rewards of industry in the creation of an inalienable possession by his own accumulated labour (which is capital in the most essential sense of the term), the emigrant learns his value as a man, and rises in the scale of existence. Nor do we doubt that English, Scotch, and Ulster farmers will pour in, in good time, upon the denuded tracts of the south and west, again sowing seeds of hope, and invigorating industry, by the admixture of a more energetic race.

Those who fear the effects of a deficiency in the labour-market, forget the wonderful progress, even within the last few months, of scientific substitutes for human labour. The steam-plough and the reaping-machine\* will fill the blank left by emigration from England and Scotland, and, it may be, from Ireland also.

We would fling open wide, and wider still, the gates of transit to our colonies, and prescribe no arbitrary limit to the exode to stranger lands, which must receive, together

\* Mr. M'Cormick, the inventor of the successful reaping-machine, is a Scotchman by birth, though for some years resident in the United States. However, in any point of view, the rivalry of invention must be considered a friendly contest between those who speak the same language, and breathe the same air of freedom. The working mechanics in America are better educated, and display more ingenuity than the same class in England. But in the higher grades of engineering and mechanical science, the English generally surpass their American brethren; and their services are accordingly more in request throughout the civilized world.

with our people, the moral influences of our national character and distinctive civilization. Empires of old time planted their colonists in warrior bands, to destroy, and separate, and enslave. Now the system is reversed. Patriotism is a selfish principle no longer, and every colonising emigrant is an additional link in the affiliation of the peoples of the earth.

We fear not the consequences to the United Kingdom of emigration ; for we believe that the embassage of universal civilization is stamped upon the destinies of that unrivalled empire, whose children, even now, are grouped on the shores of all oceans which her commerce cleaves.

*“Britanniarum majestas, ad ortum Solis ab hesperio cubili porrecta.”*

Waste lands. It is indeed a strange anomaly, that while we have four millions and a quarter of waste lands in Ireland, our farmers and labourers should emigrate in such numbers to reclaim the wastes of foreign lands. The chain of bog stretching from the borders of Dublin County to the Shannon, and the moors and bogs scattered over the great central limestone plain, alone contain 1,576,000 acres, and are all in the lines of traffic by railroad and water-carriage. These offer every probability of speedy and large returns to the judicious investment of capital, especially in those districts opened by Peat charcoal. the arterial drainages. Without alluding to the more dubious success of the oleaginous extracts, the patent peat fuel appears abundantly useful in its varied applications to machinery and manufactures, especially in the smelting of iron, in order to displace from the British market the Baltic iron, which is used in the manufacture of the finer metallic products ; in the preparation of the ore, the proportion by weight of peat charcoal, as compared with coke, being about one-half, while the former imparts three times the

amount of tenacity and elasticity. Peat charcoal is also coming into use as a sanitary agent; and, besides its power of deodorising offensive and putrescent substances, possesses the quality of fixing the ammoniacal gases of the atmosphere and volatile gases of manures, and retaining them for the gradual uses of vegetable growth. We cannot concur with the opinion, that the raw peat, compressed and pulverised, would answer equally well the economic purposes of the charcoal; but the latter must be produced at a cheaper rate than at present, if it is intended to be introduced extensively into the British market. We must not forget, however, that we have a growing home market\* for this hitherto neglected material; and when the residual peaty surface is drained, the bogs themselves frequently afford the most suitable alteratives for reclamation, in pits of limestone gravel, or layers of marl formed in the substrata. Where these are not available, a top-dressing of ashes from the burned surface will supply sufficient manure for opening cultivation with a crop of rape. Cattle fed on this may be littered with the turf-mould, and, by the application of their manure, successive green crops can be raised for an indefinite period.

\* There would have been little distress in the Kilrush Union, had the extensive bogs in the district been turned to remunerative account, instead of being wastefully cut away, without reference to drainage or ultimate reclaimage of the subsoils. The value of these bogs, not only in supplying the fuel market of Limerick, but also the infant steam-commerce of the Shannon, will yet be more clearly appreciated. And we doubt not that the intelligent capitalists (all men of Clare) who purchased parts of the Hickman Estate in the Kilrush Union, sold by the Incumbered Estates Commissioners last month, will set a good example in the management of the bog attached to their several lots. Fire clays are found on the western borders of the great Kilbaha bog. The Rev. Mr. Comyn, P.P. of Kilkee, pointed out to the author, some years since, beds of kao-lin of good quality in that vicinity.

It is a great mistake to introduce the usual rotation of crops on reclaimed peat, which is necessarily deficient in silex and the azotised ingredients adapted for the nutrition of the cereals, slight traces only of these constituents being found in the potato, tap-rooted vegetables, and the various cruciferæ. We control Nature by following her guidance; and it is a wiser and more economical husbandry to suit the crop to the constitution of the soil, than endeavour to change its nature by the repeated application of expensive alterative manures, which, if withdrawn for a few years, the land almost invariably returns to its originally wild state.

We are not putting forward merely theoretical views. We have ourselves grown green crops in uninterrupted succession for ten years on clay lands, without increasing the quantities of manure; and we conclude, that the system must prove more successful where soil and products are both carbonaceous.\* There are about 150,000 acres of partially reclaimed flat bogs in Ireland; and, deducting 40,000 acres for coarse meadow, pasture, and other uses, we have 110,000 acres, yielding, according to the usual rotation, one green crop in four years. Now, assuming that continuous green cropping is substituted for this system, and allowing only sixteen tons per acre, we should have for the additional three years an increment of upwards of five million and a half tons of green food, equivalent to the support of half a million black stock, young and old.

\* The inquiring reader will perceive, on comparison of the analysis of the turnip and mangel, with the analysis of various peat soils made by Kane and others, that their chemical constituents are not only identical but nearly in the same proportions: so that when peat, unfit in its crude state for the nutrition of plants, becomes decomposed under the agency of manures that promote the fermentation of its substance, it is then converted into humus, the proper food for those vegetables, to which we have given the name of carbonaceous, because of their constituents being combinations of carbon.

But, besides the bog wastes, at least one-third of our waste land consists of moory and mountain pastures, perished with surface water; and the superficial drainage (termed sheep drainage in Scotland) appears to be the most economical method of bringing these tracts into profitable use. From the Report of the Board of Works, so frequently referred to, we learn that this system is being gradually adopted in Ireland; and the hardy Scotch sheep, fit for such pastures, have been imported in considerable numbers. If the sheep drainage be steadily persevered in, this stock will increase with a rapidity which it would be difficult to calculate.

In allusion to the subject of waste land, we are tempted to include a large proportion of the corcass soils of the Lower Shannon under that head, as their drainage and cultivation have been either totally neglected, or wastefully conducted. The vast extent of alluvial land of the Lower Shannon and its tributaries is from four to fourteen feet deep, and rests upon an uneven bed of fossiliferous limestone. The soil is of almost inexhaustible fertility, and rich in alkaline constituents. It is analogous in composition to those Baltic soils that supply our markets with so much hemp and flax; and yet we scarcely ever observe these crops grown on this land. Indeed, one of the chief causes of the decline of Irish agriculture has been the unsuitability of our farming to the climate and soil, which are more favourable to flax\* and

Moor and  
mountain  
wastes.

Alluvies of the  
Lower Shan-  
non.

\* The increased growth of flax is of incalculable importance in extending the source of employment, and supplying home-produced material for the manufacture of linen. The history of that manufacture goes far to prove the advantage of free trade. For it was not until all bounties and protective duties had been withdrawn, that rapid progress was manifested: the value of linen exports last year probably exceeding £500,000, and 200,000 persons being employed in immediate connexion with the manufacture, besides those engaged in the culture of the plant. This branch

hemp, the inferior cereals, green crops, the grasses, and the raising of cattle, than to the growth of wheat. We believe, that the best adapted rotation for the alluvial soils alluded to would be the leguminous plants, root crops, and flax or hemp; one or more of each in succession, as experience might dictate: where flax was not suitable, hemp would certainly succeed, and would find a ready market. In the management of this description of soil, fine tilth is a much more essential requisite to secure productiveness than manure; as deep ploughing will, at all times, bring fresh elements of fertility to the surface.

Partitions and exchanges of land by the Incumbered Estates Commissioners.

Law of Waste.

We have thus briefly laid before our readers our views as to the economical reclaimage of bog and moor-land; and the Incumbered Estates Court presents peculiar facilities to assist in the accomplishment of this object; the Commissioners having jurisdiction to partition lands held in undivided shares, to divide and allot intermixed lands, and to arrange and sanction exchanges of land (moor lands and bog wastes being usually held in common, or intermixed) which, under the former legal routine, could not be effected without the intervention of tedious and expensive proceedings in Chancery. However, further legal reform in the law of waste\* is requisite (as already suggested in this pamphlet) in order

of industry will also be much facilitated and improved by the judicious division of labour lately adopted, in the introduction of factors, who buy up the raw material from the grower, and prepare it by a careful and economical process for the manufacturer.

\* According to the law of waste, a tenant cannot change the nature of the thing demised; so that *if he reclaimed waste lands, he would thereby render himself impeachable of waste.* This is one of those mischievous legal absurdities which shows the necessity of radical change, instead of a series of petty and incomplete reforms, in the law affecting the management and transmission of real property in Ireland. Some hundred years ago, when many Irish estates were but oases in deserts of moor or morass, and scientific surveys were altogether omitted, or very imperfectly

to annul any injurious restrictions and reservations in deeds of settlement or leases ; such as now prevent the reclaimage of waste lands, the opening of quarries and mines, the digging of tile clay and kaolin, and the uses of turf for manufacturing purposes ; and to empower the landlord or tenant, as the case may be, to exercise an unfettered judgment in such outlay of capital, as may bring his property into the most productive condition.

In concluding our reflections upon the social and agricultural condition of Ireland, we would observe, that national prosperity is not so much the consequence of natural resources, as the necessary result of industrial and moral training. That productiveness, which is the creation of human labour, under the impulse of diversified wants, renders the colder and more sterile regions capable of sustaining dense and constantly increasing numbers, while the profuse natural fecundity of more favoured climes, where food is a weed, but man ignorant and slothful, fails to keep a scanty and scattered population within the limits of subsistence. To bring the comparison nearer to our own times and circumstances,—the necessity, that energized the genius of the Dutch to war with the elements, and win a realm from the Holland sea, paralysed the apathetic Irish in a country where earth, sea, and sky are all propitious to the husbandman. Again,

Concluding  
reflections.  
Causes of na-  
tional pros-  
perity.

executed, the enclosure of waste would have tended to disturb boundaries, and thus confuse the evidence of title, and was therefore prevented by a legal fiction, not yet entirely done away with.

For further information, see Professor Hancock's "Impediments to the Prosperity of Ireland," page 129 ; and chapters viii. and xv. of "The Tenure and Improvement of Land in Ireland," by Messrs. Ferguson and Vance. The latter is incomparably the most impartial and comprehensive work that has appeared on the question, but, unfortunately, it has been printed for private circulation only.

Scotland.

about seventy years ago, the south-eastern lowlands of Scotland, that now present not only the best-farmed, but also the highest-rented land in the Empire, were overrun with pauperism, and inflamed by agrarian discontents and hatred of the union with England. But religious education, combined with industrial discipline, gradually dispelled these self-destroying evils, fostered the germs of improvement in the minds of a naturally shrewd and provident race; and, within the term of little more than two generations, elevated the character of the rural population to its present high and happy standard. And we are fain to hope, that the chastening lessons of Providence, in forcing upon our notice the sources of national evils, have likewise inculcated the knowledge of their true remedies, and that the successful progress of a well-organized system of united instruction,\* suited to the social requirements of the population, has laid the foundation of results analogous to those which have occurred in Scotland, notwithstanding the reckless opposition of those, who would make religion itself the occasion of disunion instead of the bond of concord, and would leave the people in the darkness of ignorance, that they might keep them in thraldom.

Hitherto the masses vainly expected national prosperity as a legislative creation from without, instead of a growth from within: but repeated failures and sad experiences have at last instilled the wise lesson, that the scattered elements

\* The incomparable school-books of the National Education Board, the establishment of Agricultural Model Schools, now thirteen in number, on the same system, besides thirty-four independent Agricultural Schools, have been most successful in disseminating sound and useful information throughout the country. Lord Clarenden's admirable plan of Agricultural Instructors has also conferred great benefit, wherever his Excellency's good intentions have not been frustrated by gentlemen recommending unfit persons for the situation.

of power must not only be united by combined action, but also utilized by an earnest practical direction, in order to accomplish enduring benefits for a people. The last insane attempt at rebellion, like the surging rage of the sea to overpass its decreed limit, has only eventuated in raising a mightier barrier against its own aggression: and now the political aspirations even of the most enthusiastic do not point to the separation of these islands, but are rather directed to the attainment of peaceful as well as practicable objects.

The returns of the Inspector-General of Prisons in Ireland, as far as we have been able to procure them, prove the decrease of crime, as well as the importance of education in improving the moral character of a people; the number of committals in 1848, 1849, and 1850 exhibiting an increasing proportion of those who could neither read nor write, as compared with those who had received some share of education. Under the head of Murder, the diminution has been more than one-half between 1849 and 1850; and we believe there has been a further diminution in the year 1851. Such improvement we attribute mainly to the increasing respect for law and order, the progress of industry and education, and the decrease of pauperism.\*

Diminution of  
crime.

The year just gone by has impressed many a portentous change on the destinies of the human family. The triumph of free trade has been celebrated by a magnificent Exhibition, displaying the products and artistic skill of nations in every region of the earth. But the gates of the palace of peace and commerce were scarcely closed, and the trophies of genius and industry withdrawn, ere rumours of

1851.

\* See Appendix G. *Statistics of Crime.*

coming troubles disturbed men's minds, and dispelled the vision of the philanthropist.—1851 has been signalized throughout the European Continent by the victory of despotic will over the bloody saturnalia of popular license ; and the closing days of the year witnessed the miserable spectacle of a great people, incapable of enjoying the glorious privileges won by torrents of their blood, rolling back the stone upon the grave of Freedom.—1851 has also seen the English-speaking race, under the impulse of the *sacra fames auri*, founding new empires on desert shores, and extending civilization to the extreme south and west.—

Moral and social improvement of Ireland.

Lastly, 1851 has witnessed the commencement of a revolution in this remote island, quiet, indeed, and unostentatious in its signs, yet full of potent significance to the reflecting mind. The edifice of national prosperity is gradually rising upon the solid basis of moral and social improvement. Ardent in attachment as in hate, the Irish peasantry had long yielded implicit credence to leaders, who appealed to their passions, instead of their reason. Thus the judgment was obscured, the balance of the moral feelings destroyed, and impulse, instead of principle, became the guide of action. To the ignorance and credulity of the masses may be traced all the crimes, and most of the misfortunes, of Ireland since the Union. The people had no real confidence in their own strength. "Aid yourselves, and heaven will aid you," never was the motto on their standard. Now, the scene is manifestly changing. Deep and silent influences are at work. Faithless antecedents have lost their spell ; and many a political partisan of former days would play his part differently, if the past could be recalled. (So let the selfish agitation, that would sever, instead of unite, ever prove "the triumph of unthankfulness!") Educational improvement, independent thought,

self-respect, regulated industry, are everywhere becoming apparent, even in the seaboard counties of the West, where darkest ignorance and bitterest prejudice hitherto prevailed ; and confidence in the good intentions, if not altogether in the political measures of the Imperial Government, has displaced rebellious distrust in the minds of the population.

We now close our observations, which have been principally directed to explain the policy and practical results of the Act for facilitating the sale and transfer of Incumbered Estates in Ireland ; viewing that Act as the first of a series of economic measures, calculated to liberate the land and the people from injurious and servile restrictions,—to direct the dormant energies of Irishmen into useful and reproductive channels,—and, generally, to develop the natural resources of the country. We have stated the grounds of our confidence, the reasons for our expectation of the social redemption of Ireland, and trust we have impressed the minds of our readers with the same conviction, which has cheered us in our task, that, with the opening year of the half-century, the promise of a brighter day has dawned upon this unhappy land.



## APPENDIX.

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### APPENDIX A.

#### STATISTICS OF THE INCUMBERED ESTATES COURT,

*From October 25, 1849, when first Petition was presented, to January 31, 1852; being a period of two years and three months.*

TOTAL Number of Petitions presented, 2133. Number of Conditional Orders for Sale 1707. Number of Absolute Orders, 1458. Of this number of Petitions, 266 were dismissed; 279 were duplicate (including Supplemental) Petitions; 69 were Assignee or Insolvent cases; and 423 were presented by the owners themselves. 303 Certificates of Conveyance have been transmitted to the Court of Chancery, upon which that Court issued their certificates to discharge Receivers; and 1289 Conveyances have been executed.

That such a large proportion of the Petitions should be from owners themselves, for the sale of their estates, is a proof both of the efficiency and public utility of the Commission, which has already under its jurisdiction the estates of one Marquis, fourteen Earls, eight Lords, one Baroness, two Counts, twenty-five Baronets and Knights, one Right Honourable, six Honourables, seven M. P.'s, and seven Ex-M. P.'s.

It has been asserted, indeed, that owners petition for sale of their estates in order to take the carriage out of hostile hands. This has, doubtless, occurred in a few cases; but, in the great majority of instances, the owner petitions either for the purpose of divesting himself of responsibilities which are impossible of complete fulfilment, and of giving the proceeds of his estates, as far as they reach, among his creditors;—or of getting a good title, at a cheap rate, to a portion of his property, if he is so fortunate as to preserve a remnant, after payment of his creditors, but, under any circumstances whatever, to escape the expenses, delays, and uncertainties of Chancery.

NUMBER of Petitions filed each Month, from October, 1849, to  
January, 1852, both inclusive.

1849, October, . . . . .	17	Brought forward, 1473
„ November, . . . . .	137	1851, January, . . . . .
„ December, . . . . .	119	„ February, . . . . .
1850, January, . . . . .	129	„ March, . . . . .
„ February, . . . . .	126	„ April, . . . . .
„ March, . . . . .	126	„ May, . . . . .
„ April, . . . . .	99	„ June, . . . . .
„ May, . . . . .	135	„ July, . . . . .
„ June, . . . . .	115	„ August, . . . . .
„ July, . . . . .	82	„ September, . . . . .
„ August, . . . . .	106	„ October, . . . . .
„ September, . . . . .	64	„ November, . . . . .
„ October, . . . . .	73	„ December, . . . . .
„ November, . . . . .	82	1852, January, . . . . .
„ December, . . . . .	63	Total, . . . . .
	—	2133
		Carried forward, 1473

SALE and DISTRIBUTION to January 31, 1852.

559 Estates have been sold, in 2698 Lots, to 1640 Purchasers.

TABLE, showing the Number and Amounts of Purchasers.

£1000 and under.	£1000 to £2000.	£2000 to £5000.	£5000 to £10,000.	£10,000 and upwards.	Total.
789	338	387	130	69	1713

Total Amount of Sales, £4,682,877 2s. 3d.

	£	s.	d.
Total Amount distributed, . . . . .	2,002,803	3	$6\frac{1}{2}$
Out of which was allowed to Incumbrancers, who became Purchasers, . . . . .	237,931	18	$9\frac{1}{2}$
<hr/>			
Leaving the difference, being the actual amount of capital expended in purchase, . . . . .	£1,764,871	4	9

The apparent tardiness in distribution of the funds, alluded to in the note to page 14, is chiefly attributable to delays in the Deed Registry Office; the gentlemen in that department being so overwhelmed with business, since the establishment of the Incumbered Estates Court, that they are unable to furnish returns to requisitions for searches within a reasonable time.

The above Table shows, that the proportion of Proprietors has been nearly trebled by the transition of property, and in by far the greater number of instances the incumbered owner has been replaced by a solvent capitalist. The number of purchasers at £2000, and under, being two-thirds of the whole, proves, that the Commission has been instrumental in the formation of a middle class, these purchasers being generally small capitalists or farmers.

It will be observed, that the proportion allowed to incumbrancers, who became purchasers, is about one-ninth of the purchase-money; and the Author, after examining at various times the statistics of the sales, after the final schedule has been settled, has found that proportion generally to prevail.

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*English Purchasers, &c. &c.*

There have been sixty-seven purchasers from England, one from Scotland, one from the Isle of Man, and one from India; the last mentioned, however, being an Irishman in the Civil Service abroad, may be enumerated amongst the home purchasers.

## TABLE of Purchases, English, &amp;c. &amp;c.

From the London District,		<i>Brought forward, £361,350</i>
including Surrey and		,, Somersetshire, 2,550
Middlesex, . . .	£320,633	,, Staffordshire, . 55,200
,, Cheshire, . . .	3,575	,, Suffolk, . : 4,300
,, Derbyshire, . . .	2,525	,, Warwickshire, 2,450
,, Durham, . . .	7,750	,, York, . . . 3,400
,, Devonshire, . . .	3,960	,, Edinburgh, . . 11,250
,, Lancashire, . . .	11,487	,, Isle of Man, . 2,355
,, Lincolnshire, . . .	3,730	,, India, . . . 6,650
,, Shropshire, . . .	7,690	
	—	
		<b>TOTAL, . . . £449,505</b>
<i>Carried forward, £361,350</i>		

The proportion of English purchasers, being about a twenty-fifth of the whole number, is so small as to disarm the jealousy of invidious objectors; while the amount invested, being about a tenth of the total produce of the sales, is sufficiently large to justify the hope of an increased influx of British capital under the improving circumstances of Ireland; a result that will be materially promoted by the "West of Ireland Land Investment Company," to which, we believe, the Government have at length consented to grant a Royal Charter, with powers to purchase and hold land in the Province of Connaught, and to sublet and re-sell the estates they may obtain.

TABULAR VIEW of Sales, arranged according to Provinces and  
Counties, to January 31, 1852.

## LEINSTER.

		£	s.	d.
CARLOW,	.	21,675	0	0
Town of,	.	160	0	0
DUBLIN,	.	67,294	10	0
City of,	.	156,634	3	0
Balrothery, Town of,	.	125	0	0
Rathmines, Town of,	.	1,570	0	0
Booterstown, Town of,	.	85	0	0
KILDARE,	.	18,156	5	0
Kilcock, Town of,	.	315	0	0
KILKENNY,	.	147,135	12	0
City of,	.	566	0	0
Freshford, Town of,	.	420	0	0
KING'S COUNTY,	.	32,300	0	0
LONGFORD,	.	81,630	0	0
LOUTH,	.	29,880	0	0
Drogheda, Town of,	.	960	0	0
Dundalk, Town of,	.	1,410	0	0
MEATH,	.	319,601	13	10
Trim,	.	310	0	0
WESTMEATH,	.	162,844	0	0
Athlone, Town of,	.	3,080	0	0
QUEEN'S COUNTY,	.	94,676	9	10
Maryborough, Town of,	.	63	0	0
Portarlington, Town of,	.	131	18	1
WEXFORD,	.	128,740	0	0
Town of,	.	260	0	0
New Ross, Town of,	.	580	0	0
WICKLOW,	.	54,202	9	0
Baltinglass,	.	1,090	0	0
		<hr/>		
		£1,325,896	0	9

## MUNSTER.

	£	s.	d.
CLARE, . . . . .	79,740	0	0
CORK, . . . . .	598,585	8	10
City of, . . . . .	27,875	0	0
Youghal, Town of, . . . . .	3,205	0	0
KERRY, . . . . .	210,451	0	0
LIMERICK, . . . . .	418,692	10	0
City of, . . . . .	4,679	0	0
TIPPERARY, . . . . .	231,762	1	1
Nenagh, Town of, . . . . .	910	0	0
Cashel, Town of, . . . . .	450	0	0
Fethard, Town of, . . . . .	100	0	0
WATERFORD, . . . . .	122,037	16	4
	<hr/>		
	£1,698,487	16	3
	<hr/>		

## ULSTER.

	£	s.	d.
ANTRIM, . . . . .	323,050	13	4
Belfast, City of, . . . . .	56,514	16	0
ARMAGH, . . . . .	35,520	0	0
Newry, Town of, . . . . .	1,860	0	0
Lurgan, Town of, . . . . .	235	0	0
CAVAN, . . . . .	102,015	0	0
DONEGAL, . . . . .	38,405	0	0
DOWN, . . . . .	106,812	13	8
Warrenpoint, Town of, . . . . .	350	0	0
FERMANAGH, . . . . .	92,620	8	4
LONDONDERRY, . . . . .	7,015	1	0
MONAGHAN, . . . . .	49,277	0	0
TYRONE, . . . . .	136,460	0	11
	<hr/>		
	£950,135	13	3
	<hr/>		

## CONNAUGHT.

	£	s.	d.
GALWAY, . . . . .	414,806	0	0
Ballinasloe, Town of, . . . . .	230	0	0
Galway, Town of, . . . . .	15,230	0	0
Gort, Town of, . . . . .	6,490	0	0
LEITRIM, . . . . .	15,720	0	0
Carrick-on-Shannon, Town of, . . . . .	360	0	0
ROSCOMMON, . . . . .	77,467	12	0
Castlereagh, Town of, . . . . .	340	0	0
SLIGO, . . . . .	13,660	0	0
Town of, . . . . .	5,500	0	0
MAYO, . . . . .	158,554	0	0
	<hr/>		
	£708,357	12	0
	<hr/>		

*Amount of Sales of Property.*

	£	s.	d.
IN LEINSTER, . . . . .	1,325,896	0	9
IN MUNSTER, . . . . .	1,698,487	16	3
IN ULSTER, . . . . .	950,135	13	3
IN CONNAUGHT, . . . . .	708,357	12	0
	<hr/>		
TOTAL, . . . . .	£4,682,877	2	3
	<hr/>		

*Amount of Sales.*

	£	s.	d.
IN COURT, . . . . .	3,138,787	10	0
BY PROVINCIAL AUCTIONS, . . .	1,252,972	0	0
BY PRIVATE SALES, . . . . .	291,117	12	3
	<hr/>		
TOTAL, . . . . .	£4,682,877	2	3

From the above Table it appears, there have been sales in every county in Ireland; but in each of the nine following counties, viz., Armagh, Carlow, Kildare, King's County, Leitrim, Louth, Sligo, Donegal, and Londonderry, the amount of sales is under £40,000; and in the last named it is only £7015 1s.

It is a cheering circumstance, and highly to the credit of the gentry of Kerry, that every estate (with the exception of a few small lots) sold in that county has been purchased by Kerry men.

It will be observed, that the portion of tenement, or house property, as yet sold, except in the town of Belfast, is very small. The sales of the Donegal property in that city have been of incalculable advantage in encouraging the industry of the enterprising inhabitants, by enabling them to acquire the fee of their tenements and premises, and for which from twenty-five to thirty-five years' purchase is freely given by private contract.

### *Concluding Remarks.*

The private sales do not always afford full data to calculate the net rental and the acreage; and the Court and provincial sales being grounded, in numerous instances, on petitions for sale of the fee, and again, in other matters, of derivative interests of the same lands, the acreage is thus repeated. Also, as to the incumbrances, where the same incumbrance affects several estates, it is mentioned more than once; and where the incumbrance is a judgment collateral with mortgage, it is returned as double the actual amount due.

We have not been enabled, therefore, to come at the exact figures; but, after careful examination of the documentary evidence, and allowing for these corrections, we believe that not less than 500,000 acres have changed hands, which produced, on an average, sixteen years' purchase on a net rental of about £280,000. The real rate of purchase is of course much higher, as the printed rentals generally represent the rents of 1845, before land had fallen in value.

We believe, also, that up to January 31, a (nominal) net rental of not less than £900,000, or about one-fourteenth of the net annual Poor-Law Valuation of Ireland, has been brought into the Court; and that the incumbrances amount to upwards of fifteen years' purchase of this rental; and the acreage to nearly one million and a half, or about one-fifteenth of the surface of the island.

These figures sufficiently attest the extent of those grievances the Commission was instituted to redress, as well as the impossibility of accomplishing the business without the aid of a permanent and more enlarged establishment.

We would observe, that landed property in Ireland has to support not only the landlord, the tenant, the tithe-owner, the labourer, the pauper, and the fiscal county charges, but also the *lawyer*. When the Incumbered Estates Court has finished its five years' mission, the last-mentioned will be left out of the category in probably not fewer than *a thousand cases*.

## APPENDIX B.

## No. I.

EPITOME OF PROCEEDINGS *in the Cause of Scott v. Knox, in the Court of Exchequer in Ireland.*

THE original bill in this cause was filed in 1807 by a person named Robert Scott, to raise a mortgage debt created by a previous owner of the estate, but who was then dead. Henry Waring Knox, the principal defendant, and son of the mortgagor, died in 1809, which caused an abatement of the suit. In the year 1814 a decree to account was pronounced, and the case was sent into the office of the Remembrancer (Decree No. 1); and in the same year the Remembrancer made his report (Report No. 1).

In 1815 a further decree was pronounced (Decree No. 2), directing a sale; and in this year, on the 22nd of April, 1815, a Receiver was appointed over the estate, since which period a Court Receiver has continued in the receipt of the rents to the present time. One of the estates ordered to be sold for payment of the charges thereon was called Ardmillan, a very valuable Bishop's lease, and which, having been set up under the decree of 1815, was purchased by one Owen Williams: the purchaser, however, objected to the title on the ground that certain persons had not been made parties to the suit; and, in pursuance of an order of reference to the Remembrancer, a report of bad title was had on that ground (Report No. 2).

From 1815 to 1818 a variety of proceedings appear to have been taken, such as the filing of a new bill (Bill No. 2), which was filed owing to the defect of want of proper parties to make out the title to the lands decreed to be sold, and the filing of answers thereto, &c.

In February, 1821, the cause was again heard, and a further decree to account in the supplemental cause was pronounced, and the cause was sent again into the office of the Remembrancer (Decree No. 3).

Henry Williams Knox, one of the defendants, died in the year 1823, whereby the proceedings abated.

In the month of December, 1825, a bill of revivor was filed (Bill No. 3).

And in the month of January, 1826, the answers of the defendants, Owen Williams and others, having been filed, on the 20th of February in this year the cause was again heard, and a further decree pronounced, and the cause was sent again into the office (Decree No. 4).

In pursuance of this decree, from 1826 to 1829 various charges and discharges were filed in the office of the Remembrancer, and witnesses were examined; but the plaintiff having been, in the year 1829, paid the sum claimed by him, and his costs out of the proceeds of other lands, his interest in the suit ceased, and the carriage of the proceedings, in the month of February, 1829, was transferred to one William Thompson, a creditor on the lands, and he has since prosecuted the suit.

From the year 1829 to the year 1837 the proceedings in this cause were carried on in the Remembrancer's office, who made his further report, dated 27th of May, 1837 (Report No. 3).

Exceptions were taken to this report, and on the 1st of June, 1838, the cause was again heard, and another decree pronounced (Decree No. 5) sending back the case again into the Remembrancer's office. Accordingly, a variety of proceedings were again instituted in the Remembrancer's office, and the several objections that had been taken to the draft report having been disposed of, after no small share of argumentation, the officer at length, on the 16th of June, 1840, signed his further report (Report No. 4), whereupon, in the month of November in the same year, the cause was again set down for hearing, and on the 20th of November, 1841, the Court pronounced its further decree (Decree No. 6), and thereby sent the case again into the office of the Remembrancer, who accordingly, on the 31st day of January, 1845, made his further report (being Report No. 5), to which not less than 110 exceptions were taken.

And the cause having been again set down to be heard on the 21st of June, 1845, a further decree was pronounced (Decree No. 7), whereby a number of these exceptions were allowed, and others were overruled, and the case was sent back again into the

office of the Remembrancer, who appears on the 12th of August, 1848, to have made another report (Report No. 6), to which report thirteen exceptions having been taken, and the cause having been again set down to be heard,—a further decretal order was pronounced (Decree No. 8), dated 13th November, 1848, and the case was thereby sent again into the office of the Remembrancer, and on the 22nd day of May, 1849, the Remembrancer made a further report in the cause, being Report No. 7;—

Upon which report the cause was finally heard, and a decree pronounced on the 3rd of July, 1850 (Decree No. 9), and the lands were thereby ordered to be sold, and the parties to be paid, their several demands.

It is a curious coincidence that the pronouncing of this *final* decree, and the abolition of the equity jurisdiction of the Court of Exchequer, should have been so nearly contemporaneous: the Act abolishing that jurisdiction (13 & 14 Vict. c. 51) which had passed both Houses of Parliament prior to July 3, 1850, having received the Royal assent on the 29th of that month.

The litigation in this case between the parties may be imagined when it is stated, that to the several reports made by the officer under the various decrees, no less than 160 exceptions were, from time to time, taken and argued before the Court. The costs of the Plaintiff and of the principal defendants in this suit are in progress of taxation, and, as lodged, amount to the sum of over £16,030, viz.:—

	£	s.	d.
Plaintiff's costs paid to him, . . . . .	1517	0	0
Costs of William Thompson, a creditor, who had the carriage of the decree from 1829, lodged at } . . . . .	5504	4	11
Representatives of Thomas Knox, . . . . .	5524	2	6
Representative of H. W. Knox, . . . . .	687	6	10
Representative of John Knox, . . . . .	216	7	10
F. V. Williams, . . . . .	366	17	5
J. and M. Knox, . . . . .	2000	0	0
Sir Henry Campbell, . . . . .	216	7	10

In all, upwards of £16,000.

Not including costs paid to Receiver for the last thirty-six years, or of the several formal parties to the suit. This property, as has been shown, has been thus involved in litigation in the Court of Exchequer from 1807 to 1850, and though a decree for a sale of those lands had been made so far back as 1815, and reported in July, 1828, they, nevertheless, still continue under the control and management of a Court Receiver; a Petition, however, for a sale of this property has lately been brought into the Incumbered Estates Court, and an order for a sale has been made thereon by that Court, the proceedings towards which are now progressing with all reasonable expedition.

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## No. II.

### EPITOME OF PROCEEDINGS *in the Cause of DENIS REILLY, administrator of AUGUSTINE FITZGERALD, Plaintiff; WILLIAM ROBERT FITZGERALD and Others, Defendants.*

IN the year 1800, Augustine Fitzgerald filed a bill (Bill No. 1) in the Court of Chancery in Ireland, for a very simple object, namely, for the purpose of raising charges, amounting to £2300 and £2500, both contingent on the determination of the following question, namely, whether a child, the issue of the marriage of Charles Augustine Fitzgerald, who had married in 1795, and died in 1800, had been born alive? It was not alleged that there had ever been more than one child the issue of the marriage. Plaintiff said that the child who had been baptized Thomas had been born alive, whereas the Defendant insisted that the child had been still-born.

Upon the 3rd of August, 1805, another Thomas Fitzgerald, the person upon whose estate those sums were charged, filed his answer.

Upon the 14th of March, 1806, the plaintiff filed a supplemental bill (Bill No. 2).

Another supplemental bill was filed (Bill No. 3) on the 8th of June, 1811.

Augustine Fitzgerald, the original plaintiff, died in this year,

and on the 6th June, 1812, his son, Richard Fitzgerald, filed an amended bill and bill of Revivor (Bill No. 4).

The same Richard Fitzgerald having died, on the 24th November, 1824, an order was made in the cause of Liddy *v.* Fitzgerald (which was a suit relative to the assets of the said Richard Fitzgerald), referring it to the Master to inquire whether it would be for the benefit of the parties that the before-mentioned proceedings should be carried on, and in April, 1825, the Master reported in favour of the suit instituted by Augustine in 1800 being proceeded with.

Accordingly, in the month of November, 1825, a further bill was filed (Bill No. 5).

The defendants not having answered the bill, the usual proceedings were instituted to enforce their answers, and some of the parties having died, in the month of September, 1831, a further amended bill was filed (Bill No. 6), and the usual proceedings taken to enforce the answers.

Answers having been filed by the defendants, exceptions were taken thereto in the month of December, 1840, but before those were disposed of, a supplemental bill (Bill No. 7) was filed in the month of March, 1841, and in same year answers were filed to this bill.

In the month of February, 1842, this bill was further amended, (thus making between original and amended bills eight in number) and witnesses having been examined for the several parties, in the month of May in this year (1842), the plaintiff's bill was again further amended. This cause, *forty-three* years after its commencement, came on to be heard before the then Lord Chancellor on the 2nd of May, 1843, when he directed an issue to a court of law to try the only question in the cause, namely, whether any child of Charles Augustine Fitzgerald and his wife (who were married in the year 1795) was born alive; on the 29th of June, in this year (1843), the trial, in pursuance of the Lord Chancellor's decree, having been had, a verdict was returned in favour of the plaintiff, finding that the child in question, Thomas Fitzgerald, had been born alive in the year 1796; and on the

2nd of December, 1843, a decree was pronounced by the Lord Chancellor, decreeing the plaintiff entitled to the sums of £1000, £1300, and £2500, and referring it to the Master to ascertain the amount due for principal and interest on such sums.

In the month of September in this year (1844), the Master made his report, in pursuance of the decree. The costs of the proceedings in equity by the plaintiff, from 1800 to 1825, we have no means of ascertaining; but the costs of the plaintiff, from 1825 to the period of the lodgment for taxation in Chancery, in October, 1845, have been certified to over £2291, and, in addition, the costs of the trial at law amount to over £181: those sums do not include the costs of any of the numerous defendants in the Chancery suit, or of the proceedings since 1845. The fund in question, the object of the dispute between the parties, was realized by a sale of the lands, subject to the charges in the Court of Exchequer, at the instance of another incumbrancer on the property, which sale took place on the 20th day of January, 1845, after a suit in that Court pending for considerably over twenty years; but in consequence of the Chancery decree of 1843, the fund will be distributed amongst the claimants in Chancery, where it now remains, after a period of over *fifty-one* years of litigation, during which time the parties originally interested have all long since died.

### No. III.

#### *EPITOME OF PROCEEDINGS in the Cause of STOKES v. BATEMAN.*

BY the abstracts which are here given of the two former cases, we think we have shown the enormous length of time that must sometimes elapse before an Equity Cause can be brought to a termination.

We now are about to refer to a case of comparatively modern institution, and though the proceedings to which we propose to call attention do not cover a very great number of years, they certainly exhibit a proneness in Equity proceedings to prolixity and repetition that will appear to many to be scarcely credible. Who the gentlemen professionally concerned in the case were, we really do not know; but we hope whoever they are or were (for the case is now in the Incumbered Estates Court), that

they will accept our most sincere assurance that nothing is farther from our intention than to cast the slightest blame on them. We war with a system, and not with individuals; on the contrary, we tenderly respect every man's private feelings, and we would not willingly give offence or annoyance to any one. We presume, indeed we have no doubt that what was done in this case was done in strict accordance with, if not in direct obedience to, the General Rules and course of practice of the Court in which the cause was pending,—a practice, however, we must say (addressing ourselves to the law itself, and not to its practitioners), “more honoured in the breach than the observance.”

This suit, we have ascertained, was instituted for the purpose of raising charges affecting the estate of the defendant, Mr. Bateman, who gave no opposition whatsoever, but, on the contrary, every facility to the proceedings in the cause. The estate of the defendant was, happily for himself and his creditors, perfectly solvent, and the defendant was most anxious that a sufficient portion of it should be sold to pay off all charges, and the residue in that way disincumbered.

In fact, the suit may very fairly be called an amicable one, for there was really nothing in controversy between the parties.

*Memoranda of Proceedings in this Cause.*

January, 1842, Bill filed. On the 14th February, 1843, an order was made referring it to the “Master to take an account of the annuities, charges, and incumbrances affecting the lands, &c.; nature and priority, and amount thereof, and of the arrears due on foot of annuities, and for interest on foot of said charges and incumbrances, and who are properly entitled to receive the same.” And the Receiver was directed to pay such interest and annuities, from time to time, pursuant to the Master’s report when made.

The report of the Master under that order was made 13th January, 1844, containing 406 folios; the cost of the mere attested copy of that report was £15 14s. 9½d. On the 26th February, 1844, a decree to account was pronounced; but, pending the taking the accounts under the decree, John Hurley, a creditor, who had instituted a suit in the Equity Exchequer for a like object as the Chancery cause, and whose proceedings were stopped by

the decree in Chancery, and who had not come in under or availed himself of the order of 14th February, 1843, and was not, in consequence, included in the report of January, 1844, applied in Chancery for an order on the Receiver for payment of interest on his demand, as if included in the report of 1844,—whereupon the Court, by order of 1st December, 1845, directed that all the payments under order of 14th January, 1843, should be suspended, and referred it to the Master “to review his report of priorities dated the 13th January, 1844; and, on reviewing same, that he do have regard to the demand of said John Hurley.”

The report of the Master, in pursuance of this last order (being his second report), is dated the 10th August, 1846, and contained 580 folios; the mere cost of attested copy of this report is £22 8s. 7½d., this second report contained every word in the first report, with some additional matter.

The decree to account of 26th February, 1844, directed the usual accounts in a creditor’s suit; and a third report was made by the Master under that decree, and appears to have been filed 5th September, 1848; this report contained 980 folios, and contained every word in the last report, with some additional matter; the mere cost of the attested copy of this report was £37 16s. 4d.

	Folios.	Costs of attested Copies.
1st Report,	406	£15 14 9½
2nd do.	580	22 8 7½
3rd do.	980	37 16 4
	—	—
	1966	£75 19 9

These folios are equivalent to 131 skins of parchment, containing fifteen folios each.

There were three separate sets of charges, and three separate sets of discharges, namely, a charge and discharge in respect to each demand filed under each order: on the 28th November, 1848, a final decree for a sale was pronounced in the cause, but no sale took place in Chancery, and no statement of title was lodged;

and the case has since, as already stated, been brought into the Incumbered Estates Court.

The plaintiff's costs of the Chancery cause, as lodged for taxation, amount to the sum of £1094 17s. 2d.

#### No. IV.

##### THE MACNAMARA ESTATE.

IN the "Times" of 21st ult. the following letter appeared, and was copied into the "Morning Herald" of 26th ult., and into other newspapers opposed to the Court, as "*a sample of the confiscation system,*" &c. &c., pursued by the Incumbered Estates Commissioners in Ireland.

##### INCUMBERED ESTATES COURT, IRELAND.

*"To the Editor of the Times.*

"SIR,—My attention having been directed to your article on the sales of property in the Incumbered Estates Court in Ireland in the 'Times' of the 15th instant, and seeing a paragraph relating to the sale (!) of my property in the counties of Clare and Galway, I beg to say 'your correspondent' is in error in the description of the incumbrances thereon, for there is not one single 'head rent' payable thereout, it being all fee-simple, and in the possession of my family centuries before the 'maternal' interference of England in her concerns. It is true, a jointure of £300 a year is payable (to a lady aged 76) thereout, a property exceeding 3000 acres; and as to the 'countless other charges affecting this property' (which fetched 'so large' a sum, which even upon 'your own correspondent's' showing, does not exceed eight years' purchase, but upon Griffith's valuation it does not amount to five years' purchase), there are no other charges thereon save those imposed upon it by a Legislature unable or unwilling to understand the case of my ill-governed country.

"I have, if you desire it, for your satisfaction, the valuation of my agent in 1850, Griffith, Poor-Law, and Harley (by order of

Commissioners), any of which will prove the cruel and unnecessary confiscation of my estates. I trust to your love of fair play to insert this correction of ‘your own correspondent,’ and to hope for more sympathy for the unfortunate, and, in the present generation at least, maligned Irish landlords after a five years’ famine.

“Your obedient Servant,

“JAMES D. MACNAMARA, J. P.,

“Of Ayle, County of Clare.

“London, Jan. 19.”

Now, we accept this “*sample of the confiscation system*,” selected by the adversaries of the Court themselves, as a test of the necessity for the Incumbered Estates Act; and we solicit the reader’s attention to the statement of Mr. Wrenfordsly in reply to Mr. Macnamara, and to the judgment delivered by the Commissioners on the 7th of February, and reported in the Dublin newspapers.

It is unnecessary to add one word of comment.

*Extract from Mr. Wrensfordly’s Letter in the “Dublin Evening Packet” of February 12th.*

“By reason of the non-payment of interest, the judgments on the Macnamara Estate have all reached the penal sums for which they were obtained.”

\* \* \* \* \*

“We have this property Encumbered in . . . . .	1775.
An annuity of £300 dating from . . . . .	1793.
The first bill in Chancery filed. . . . .	1810.
A decree for a sale of these lands in . . . . .	1814.
A second decree for the same object . . . . .	1847.
Finally, the order for sale under this Act, on 29th Nov. 1849.	

“Ayle House and part of the demesne in the possession of the Guardians of the Scariff Union as a Poor-house, the property offered four times for sale, and although one of the earliest petitions presented, still remaining undisposed of, or any incumbrance paid.”

INCUMBERED ESTATES COURT.—*Saturday, Feb. 7th, 1852.*

(*Before the full Court.*)

*Estate of James D. Macnamara; J. D. Meadows and another, Petitioners; Practice of the Court with respect to Incumbrancers who bid at sales.*—Mr. Rollestane, Q. C., on behalf of James D. Macnamara, moved for a conditional credit for the purchase-moneys of lots Nos. 1 and 7, amounting to the sum of £1210, against the several securities vested in Francis Beetham, as trustee for J. D. Macnamara, and that the conveyance of said lots might be made to the said F. Beetham, or that his time for completing the purchase of said lots might be extended until the final schedule in the matter should have been settled.

Counsel for Mr. Wrensfordly, the solicitor having the carriage of the proceedings, and counsel for several other creditors, resisted the motion.

It appeared that the estate had been put up for sale on more than one occasion. On the last, in January of the present year, Mr. J. D. Macnamara, the owner, bid for two of the lots. At first, the Commissioners presiding at the sale refused to take his bidding; but, after some solicitation on Mr. Macnamara's part, and on his solicitor making himself responsible for the payment of a sum of £50, in the event of his (Mr. Macnamara) not completing his purchase within the usual time, their Lordships consented to have him declared the purchaser, with this proviso, however, that in the event of his not fulfilling his contract, the next bidder should, in the event of his (such bidder) so desiring, be declared the purchaser instead of the owner. Mr. Macnamara had not, however, made good his purchase by the payment of his purchase-money, but went into Dr. Longfield's Chamber with an application to be allowed conditional credit for the above-mentioned securities; and that learned Commissioner having refused the motion, it now came before the full Court by way of appeal.

Counsel on both sides, for and against Mr. Macnamara's claim, were now heard at great length, their observations being prin-

cipally details of lengthened and intricate Chancery proceedings, which had been carried on for many years previous to the bringing of the estate into the Incumbered Estates Court.

The arguments of counsel having closed, the Commissioners delivered judgment.

**THE CHIEF COMMISSIONER.**—This is an application by way of appeal from a decision of my brother Longfield, in whose Chamber the matter is. We have heard this motion very fully argued; and after a careful consideration of all the circumstances, we do not think we can comply with any part of this gentleman's application. This property—*according to the statement of Mr. James Dillon Macnamara's counsel*—seems to have been very unfortunately circumstanced from a very early period. It is stated that litigation respecting this estate has been going on for in or about half-a-century: and I am afraid that statement is too true. It appears that the property sold for £5,360, that sale having been effected after an adjournment, and after an unsuccessful attempt to dispose of it on a former occasion. The amount of the claims lodged against the fund is about £13,000. There is every reason to expect that some portion of this will be cut down, or reduced; but, under the circumstances which I have just stated, it is quite manifest that, for the purpose of paying all the creditors, this is a perfectly insolvent estate, and has been so for a very considerable time. A jointress, to whom upwards of £900 is now due, dates her security so far back as the year 1793. Her jointure is fifty-nine years old; and the fact that a sum of upwards of £900 is due on foot of so old an incumbrance, is, in my opinion, enough to show that this property has been hitherto very badly managed indeed. Well, this being the state of things, it appears, the owner, or tenant for life, of the estate, made a bidding before the Commissioners, who, seeing that there was not much reason to expect a surplus fund—for at that stage of the proceedings they were in a position to form a tolerably accurate opinion on the subject—very reluctantly received his bidding. At the same time, we did, what I believe we ought not to have done: *we received Mr. Macnamara's bidding without requiring him to lodge any money at the time, vainly hoping that through some means he would be*

*in a position to complete his purchase within the period prescribed by the Court.* But we made this further order, that in case he should fail so to do, then that the next bidder should be declared the purchaser. Now we thought it important to make this latter arrangement in this case, for, on a previous occasion, in May, 1851, *when this property was before set up, the lands were bid for by Mr. Beetham, the trustee of Mr. James Dillon Macnamara, and, to all appearance, a respectable gentleman.* We received his bidding, expecting that he would fulfil his obligation to the Court. However, he did not do so; and, when we came to inquire for Mr. Beetham, he was, I understand, nowhere to be found.

\* \* \* \* \*

Mr. Macnamara does not clearly appear to be an incumbrancer ranking high, or, indeed, an incumbrancer at all. And, on the whole, I do not think that this is a case in which, exercising the discretion vested in us, we ought to allow a provisional credit.

The learned Chief Commissioner then briefly stated the nature of Mr. Macnamara's claim, and the bearing with respect to it of the very complicated Chancery proceedings connected with the Macnamara property; and concluded by saying:—Though it would be rather premature to adjudicate on this gentleman's demand now, as the time for deciding the questions raised by him will be when the final schedule is being settled; and though I do not now intend definitely to say that he has no right to what he seeks, yet I must observe, it appears to me that his claim is one which he will find it very difficult to maintain at any time; and, under all the circumstances, I am of opinion that this motion must be refused with costs.

MR. COMMISSIONER LONGFIELD.—I think, also, that this motion must be refused with costs; and I further think that every motion of a similar kind must be refused with costs, though not brought forward under such disadvantageous circumstances. In fact, this amounts to an application to have us either indefinitely postpone the execution of a conveyance, or convey a property without the slightest security that we shall ever get the purchase-money. Before we grant a provisional credit, we require, in the

first place, to be convinced, beyond a reasonable doubt, that the party in whose favour the credit is sought is an incumbrancer, if there has not been already an adjudication upon his claim. And, secondly, that if it should turn out he is not an incumbrancer, he will be able to bring in his purchase-money. I do not think this is the case here.

The learned Doctor then shortly reviewed the Chancery proceedings, and expressed his opinion that there should be a decision of the Court against Mr. Macnamara's claim, stating, at the same time, that that gentleman could very easily have the question decided by bringing it on before the Master of the Rolls. In conclusion, Dr. Longfield pronounced the ruling of the Court to be, that the motion was refused with costs; the petitioners to have their costs as against the fund, if they could not obtain them as against Mr. Macnamara personally; the several other parties to have their costs as against Mr. Macnamara personally; one of the lots to be conveyed to the next bidder to Mr. Macnamara; the other lot to be re-sold; the expenses of the re-sale, and any deficiency between the amount bid by Mr. Macnamara and that realized by such re-sale, to be paid by that gentleman; the £50 guaranteed by Mr. Macnamara's solicitor to be paid on the following Monday; in default, an injunction to issue on Tuesday.

MR. COMMISSIONER HARGREAVE expressed his concurrence in the ruling of his brother Commissioners.

Counsel for the various creditors who appeared on the motion asked the Court to direct that, in the event of their not getting the costs from Mr. Macnamara, those costs should be paid out of the fund in the matter.

The Court refused to make this order; but said that, in the event of those parties failing to get their costs from Mr. Macnamara, they might then make an application, on affidavit, to be paid out of the funds.

Mr. ROLLESTONE, Q. C., applied for liberty to appeal. If their Lordships now pronounced against Mr. Macnamara's demand, the question could be at once brought before the Privy Council, and a decision had at a very trifling expense.

THE CHIEF COMMISSIONER.—It would be premature to pronounce such an opinion yet.

MR. ROLLESTONE.—Dr. Longfield has intimated what his opinion is.

DR. LONGFIELD.—A part of the case now before the Court is practice, not law. We will always give liberty to appeal on a point of law, but we will not on a point of practice.

THE CHIEF COMMISSIONER.—*I really never before heard of such a motion as this in full Court, after a ruling against it in Chamber.*

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#### APPENDIX C.

##### *Progress of Manufacturing Industry in Ireland.*

THE Lord Lieutenant, who is as well acquainted with the resources of Ireland as he is anxious to encourage their development, made some interesting statements respecting the progress of certain Irish Manufactures at the public meeting of the Royal Dublin Society on February 7.

His Excellency declared that, “many of the Irish productions at the Great Exhibition were so excellent, and stood the test of competition so well, that many of the Jurors expressed their astonishment that Ireland did not take a greater share in the staples of our general commerce, considering the many facilities for manufacture in that country, and that the rate of wages and living are lower than in England. As to the Limerick lace, one of the Jurors said, that in beauty, chasteness of design, neatness and finish of the work, and general utility and cheapness, it was quite unrivalled in the Exhibition.”

His Excellency also stated that “the sewed muslin manufacture, established within the last three years, now employs nearly 400,000 females in various parts of Ireland, and has possession of the English and Scotch markets; the only difficulty is to furnish a sufficient supply. The houses in that branch of trade in Belfast paid in wages £900,000, and for plain muslin £300,000 to

£400,000. The manufacture of that description of lace called Valenciennes, introduced into Ireland only a year and half ago, now for quality and price entirely commands the London market; and, if a sufficient supply could be got from Ireland, there never would come *another yard of lace from abroad.*"

The Schools of Design in Dublin, Belfast, and Cork, have been of great service in promoting the progress of these useful and ornamental productions, by developing the genius, and educating the taste of the pupils, who are daily increasing in number. It is unnecessary to allude to the prosperous condition of the linen and poplin manufactures. But we would observe to those who underrate the importance of female employment in ornamental designs, that *female ingenuity and industry, even of little children, especially when combined with education (as is now the case in many parts of Ireland), exercise a powerful reclaiming influence on the adult members of families, and through them on the character of the nation itself.*

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## APPENDIX D.

## FUNDED PROPERTY.

*An Account of the Amount of the Unredeemed Funded Debt of Great Britain and Ireland, in Ireland, and the Interest due thereon, on 5th January, 1851.*

Capital, . . . . .	£40,644,014 16s. 5d.
Annual Interest, . . .	1,436,491 10 4 $\frac{3}{4}$ .

*An Account of Stock transferred to and from England and Ireland, years ended 5th January, 1838–1851.*

From England to Ireland.				From Ireland to England.			
Years.	Total Stock.			Years.	Total Stock.		
	£	s.	d.		£	s.	d.
1838	742,346	12	9	1838	788,403	9	8
1839	357,628	7	4	1839	514,343	14	0
1840	934,964	16	10	1840	297,540	19	6
1841	603,459	5	9	1841	592,182	9	10
1842	652,036	4	1	1842	462,083	4	8
1843	1,825,304	6	2	1843	869,137	6	7
1844	1,540,373	18	6	1844	516,578	6	4
1845	1,459,597	5	0	1845	326,439	18	10
1846	1,834,630	2	11	1846	196,801	1	7
1847	1,350,547	12	10	1847	245,881	0	3
1848	2,644,854	1	3	1848	1,384,482	15	8
1849	1,990,949	9	10	1849	1,693,578	19	1
1850	1,161,518	12	1	1850	1,972,276	13	1
1851	1,131,307	18	5	1851	1,175,831	10	3

On the 20th November, 1850, the sums lodged in the Savings Banks of Ireland amounted to £1,291,798, held by 47,987 depositors, including £29,856 from 626 Charitable and Friendly Societies, duly registered under the Act of Parliament.—THOM'S ALMANAC.

## APPENDIX E.

## WORKHOUSE EMPLOYMENT.

*Account of the Ballymoney Workhouse Farm, from "The Irish Farmer's Gazette" of May 24, 1851.*

"Farming Account for the Crop of 1850, ending 25th March, 1851:—

	<i>Expenditure.</i>	£	s.	d.	£	s.	d.
8 cows on hand on the 26th March, 1850, valued at . . . . .	58 0 0						
18 pigs on hand, valued at . . . . .	15 15 0						
Hay on hand, . . . . .	10 0 0						
		83 15 0					
Paid for seeds of different sorts, . . . . .	13 16 0						
Paid for hay, . . . . .	12 10 11						
Paid for grass, . . . . .	8 10 0						
Paid for bran, oats, &c., . . . . .	38 6 11						
		59 7 10					
Paid for car hire, . . . . .	0 8 0						
Paid for a pony horse, . . . . .	7 7 0						
Paid for a cow, . . . . .	6 17 6						
Paid balance of cows, . . . . .	3 10 0						
		17 14 6					
Paid for service of bull and boar, . . . . .	1 4 0						
Rent of Messrs. Orr and Pollock's fields, . . . . .	20 7 2						
County cess, . . . . .	2 9 2						
Rent of workhouse fields, 4 Statute acres, at 60s., . . . . .	12 0 0						
		34 16 4					
Balance in favour of the Union, . . . . .	120 0 10						
		£331 2 6					

	<i>Income.</i>	£	s.	d.	£	s.	d.
Hay sold,	. . . . .	5	9	4			
Four calves sold,	. . . . .	3	19	0			
Two cows sold,	. . . . .	15	8	3			
Wheat sold,	. . . . .	5	10	11			
Turnips,	. . . . .	1	1	7			
Onions sold,	. . . . .	15	9	4			
Cabbage sold,	. . . . .	2	2	6			
Kale plants,	. . . . .	0	13	3			
Carrots,	. . . . .	0	7	6			
Pork sold,	. . . . .	44	10	4			
					—	*94	12 0
4252 gallons of sweet milk from work-							
house cows, at 6d. per gallon,	. . . . .	106	5	11			
1516 stones of potatoes,	, . . . . .	21	1	6			
Onions,	. . . . .	8	1	10			
Cabbage,	. . . . .	5	19	6			
Carrots,	. . . . .	5	14	1			
					—	†147	2 10
Kale plants and turnips, unpaid,	. . . . .	0	17	0			
Hay on hand on the 25th March, 1851,		5	0	0			
10 tons of turnips, do.	do., . . . .	7	8	8			
Mangels,	do.	0	10	0			
Carrots,	do.	1	6	0			
Grass-seed,	do.	0	19	0			
					—	‡15	3 8
7 cows,	do.	51	0	0			
14 pigs,	do.	15	0	0			
1 pony horse,	do.	7	7	0			
					—	§73	7 0
					—	£331	2 6

"There were twelve Statute acres under crop.

"ROBERT BOGLE, *Master.*"

\* Paid in cash.

† Consumed in house, at market price.

‡ On hand at close of year.

§ Stock on hand.

Equally encouraging results have followed the employment of paupers in trades and production of various articles of manufacture required in the workhouses. But the author has not been successful in obtaining details from the clerks of several Unions to whom he applied. It may also be mentioned here, that the industrial system in the Irish prisons has been latterly much improved. The Mountjoy Government Prison, Dublin, is worth a visit, to see the successful weaving of cloth now carried on there.

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## APPENDIX F.

### AGRICULTURAL STATISTICS.

WE give a few extracts from the returns of agricultural produce in 1850, which were made under the superintendence of Major Larcom, by direction of the Government. If such returns were continued yearly, under the same able superintendence, they would furnish a valuable statistical test of the condition and progress of the agricultural interest in Ireland.

### CROPS.

The decrease in the number of holdings, noticed in my previous Reports, has continued during 1850, but with abated force; the total reduction in the number being 22,923, whereas, between 1848 and 1849 it was 46,041, and between 1847 and 1848 it was 71,137, while the smaller amount of reduction in the cottier class noticed in 1849 was in 1850 changed to an increase; in this class, however, there is always some uncertainty from the complication of some small town holdings. The following Table shows the classes in which the alterations have taken place, and a comparison with the year 1841, which will be hereafter adverted to:—

Classes of Holdings.	1849.	1850.	Increase.	Decrease	1840.	1851.	Increase.	Decrease
Number under one Acre	31,989	35,326	3,337	—	Not known.	—	—	—
Do. above 1 and not exceeding 5 Acres,	98,179	91,618	—	6,561	310,375	91,618	—	218,757
Do. above 5 and not exceeding 15 Acres,	213,897	203,331	—	10,566	252,778	203,331	—	49,447
Do. above 15 and not exceeding 30 Acres,	150,120	145,380	—	4,740	79,338	145,380	66,042	—
Do. above 30 Acres,	156,960	152,567	—	4,393	48,623	152,567	103,944	—
Total, . . .	651,145	628,222	3,337	26,260	691,114	592,896	169,986	268,204
			Total Decrease, 22,923 between 1849 and 1850.				Total Decrease, 98,218* between 1841 and 1850.	

\*This decrease is exclusive of holdings under one acre in extent.

The reduction in the number of holdings does not seem to be confined to any one part of the country more than another, as will be seen by the following Table:—

	LEINSTER.	MUNSTER.	ULSTER.	CONNAUGHT.	TOTAL.
No. of Holdings in 1849,	148,688	142,302	227,043	133,112	651,145
,, 1850,	144,175	135,321	221,202	127,524	628,222
Decrease in each Province,	4,513	6,981	5,841	5,588	22,923
Decrease per cent. on the } Holdings of 1849,	3	5	2½	4	3½

\* \* \* \* \*

The total extent of land under crops in 1849 was 5,543,748 acres, and in 1850 it was 5,758,292 acres, showing an increase between 1849 and 1850 of 214,544 acres. This increase was by no means general throughout each description of crop, some having materially diminished.

\* \* \* \* \*

The returns indicate a decided disposition on the part of farmers to fall back upon the classes of crops best adapted to the soil and climate, giving the preference to oats and flax, the latter crop showing an increase of one-half of that of 1849.

\* \* \* \* \*

The increase in the cultivation of potatoes has been chiefly amongst the small farmers. Other green crops have increased

with all classes, and flax has advanced most in proportionate extent, in the class above 5 to 15 acres.

\* \* \* \* \*

### STOCK.

The quantity of live stock has considerably increased since 1849; the combined value of all descriptions, in money, taking them at the same rates as heretofore, shows the increase to be equal to £1,259,343; extending itself into every class. The following are the increases in numbers which took place between 1849 and 1850:

No. of Horses and		No. of Sheep, . . .	98,985
Mules, . . .	431	Do. Pigs, . . .	132,039
Do. Asses, . . .	5,473	Do. Goats, . . .	18,124
Do. Cattle, . . .	146,810	Do. Poultry, . . .	617,145

The classes of farmers among whom the alterations have taken place is a matter of deep interest, and is an additional index to the direction of the movement now in progress among the agricultural population of the country. The following Table shows the value of the stock on each class of holdings in the years 1849 and 1850:—

Classes of Holdings.	Value in 1849.	Value in 1850.	Increase.	Decrease.
	£	£	£	£
Value of Stock on Holdings under 1 Acre,	478,950	432,382	—	46,568
Ditto, above 1 to 5, . .	652,967	612,011	—	40,956
Ditto, above 5 to 15, . .	3,737,801	3,617,802	—	119,999
Ditto, above 15 to 30	5,379,011	5,342,625	—	36,386
Ditto, above 30, . . .	15,443,887	16,947,139	1,503,252	—
Total, . .	25,692,616	26,951,959	Total Increase, £1,259,343.	

The above figures show a concentration of stock on the largest class of farms, and as these Tables exhibit a diminution in the number of holdings of all classes distinguished in these tables, except the cottier class, it is probable that if the classification of farms had been continued to a more extensive division, such as

"above 30 to 50," "above 50 to 100," "above 100 to 500," and "above 500," the concentration of stock would have continued in the same proportions.

\*       \*       \*       \*       \*

#### RECAPITULATION.

"These figures exhibit extensive changes in the agricultural condition of the country, which have attended a period of painful transition, and have, to a great extent, resulted from it. They can scarcely be considered otherwise than favourable in regard to production. They indicate, by the increase of large farms, the increasing investment of capital in agriculture, and the abandonment of that unskilled husbandry which attended minute subdivision of the land without capital. The increase of live stock on the larger farms is a direct consequence of this change. A more careful consideration, or fuller knowledge of the peculiarities of the soil and climate of Ireland, would probably arise from the same cause, by directing higher intelligence to cultivation. This at present appears leading to the increase of flax, of green crops, and of oats, in preference to other cereal produce; while, on the whole, in spite of a series of bad and indifferent seasons, there is an increased quantity of land brought into tillage, and an increased amount of live stock maintained in the country. These changes have been concurrent with a rapid decrease of the population. There can be little doubt from what class of the community the defection has taken place, and the agricultural changes which, there is reason to believe, had already begun, have been, doubtless, precipitated or hastened by that defection. The present agricultural condition of the country is more favourable than that which it has replaced, or is replacing; and in regard to those who remain, there can be little reason to regard the future with apprehension. If those who have left our shores have also improved their condition, as all reports would lead us to believe, the result will, on the whole, be favourable, however naturally and deeply we may grieve over the suffering which has attended the transition in all classes of society."

## FLAX.

In proof of the successful progress of flax culture, we extract the following from the address of the Marquis of Downshire, at the eleventh Annual Meeting of the Royal Flax Society of Ireland:

"From the valuable and accurate returns of Irish agricultural produce compiled by Government, your Committee learn, that in 1848 there were 53,863 acres under the flax crop; in 1849, 60,014; and, in 1850, 91,040. The returns for 1851, though not as yet published, have, through the kindness of the Lord Lieutenant, been specially made out for the Society by the Census Commissioners, and show the very great breadth of 138,619 acres, so that the extent of the crop is this year nearly two and three-quarter times what it was three years ago, and probably by much the greatest ever sown in Ireland. In analysing the Government Tables, several interesting features present themselves. The growth of flax without the bounds of Ulster is given at 2,663 acres in 1849; 5,975 in 1850; and 14,893 in 1851. The largest quantity of flax grown in any Irish county this year is 20,955 acres in Donegal, and the smallest 21, in Dublin. The largest quantity out of Ulster is 2,698 acres in Cork. Mayo, with 1,450, Louth, 1,439, and Clare, 1,000, come next in order.

"That is an enormous increase in the quantity of flax sown in Ireland, but still it falls far short of the demand. I have found from the Report, and I believe the figure is rather below the mark, that upwards of 500,000 acres would be required to supply the consumption of the country, and, subtracting 138,619 from that amount, I find that 361,381 acres are still required. That is a very large, and, in fact, an enormous deficit, which we can only hope to live to see filled up in the course of some few years hence.

"A gross total of about £1,700,000 sterling is the amount realized for the Irish flax crop of this year. The quality of the fibre is much superior to that of the preceding crop, and the growers have been generally well remunerated, where proper attention has been paid. It is interesting to observe that, owing to the large quantity and good quality of the home-grown crop, the im-

ports from Russia this year are greatly less than for many previous years, and the English and Scotch spinners have been purchasing extensively in our markets."

With respect to the loss of seed by the old destructive process of steeping, his Lordship makes the following most important remarks:—

"When it is calculated that at least 100,000 acres of flax have been steeped in Ireland this year, without the seed having been taken off, and that the latter, at mere crushing prices, would be worth £300,000, this lamentable loss of national wealth, which would alone be sufficient to feed 100,000 paupers annually, must be deeply deplored. Your Committee are, however, not without hope that a more rational practice will creep in by degrees; and they are pleased to learn that this year about 8000 bushels of rippled seed have been purchased at the Belfast Oil Mills, from a few districts in the County of Down."

#### APPENDIX G.

##### STATISTICS OF CRIME AND PAUPERISM—LIMERICK.

*Observations of JOHN LOCKE, Esq., published in the Limerick Chronicle of March 28, 1849.*

"It were much better to make such good provision, by which every man might be put in a method how to live, and so be preserved from the fatal necessity of stealing and dying for it."—*Sir Thomas More.*

"Thus a celebrated judge and statist wrote in the 16th century, and although many a sanguinary stain has been erased from our criminal code since More was struck down by the iron sceptre of the tyrant Henry, yet the philosophic reasoning of his far-reaching mind is in its wider signification strikingly applicable to the nature and results of legal punishments in the present disastrous state of Ireland. According to the theory of Christian jurisprudence, the infliction of punishment by the State is not intended as a vindictive retaliation against the offender, but as a means of personal reformation and of deterring others from crime. 'He that is only just is cruel;' and to strain executive power beyond due limit is not only a political error, but a moral wrong.

“It is indeed a question of solemn import in this country, whether and how far the rigour of law is adequate to repress offences, and reform that class whose minds are reduced by distress beneath the level of humanity, whose industry is warped from the divine intent of productiveness to a barren toil, and an employment without hope. The able-bodied labourers are squatted in quarries to break stones, while in many unions large tracts of land, the raw material for manufacture of food, lie waste or untenanted. As well might we expect mental rectitude in a madhouse, as honesty and loyal feeling among a starving and uneducated people. The material instrumentality is all in disarray. The source of nervous energy is poisoned; the dark blood is in the brain.

“History bears testimony, that public virtue and civil liberty flourish in the sunshine of industrial activity, and fade with its fading light. Social quiet and national prosperity depend upon the reciprocity and fit association of capital and labour; but labour must be energized to achieve its natural rights, and mind enlightened to fulfil its moral destinies. The starving and demoralized Irish will remain criminals and slaves until they are usefully employed, and fairly remunerated in their legitimate sphere of toil—the development of the manifold resources of the soil and shores of their native land.

“The files of the ‘Limerick Chronicle,’ from the 10th to the 24th instant, present the following frightful details:—The County Treasurer paid expenses of 900 crown witnesses and prosecutors.

“The foreman of the County Grand Jury stated, that the gaol built for the accommodation of 141 contained nearly 800 prisoners, and of those, 160 had been confined and under rule of transportation for two years.

“In the City Gaol, 36 had been in prison under similar rule, since January, 1848; and the City Calendar, with one exception of murder, was almost exclusively confined to larceny cases.

“520 persons were registered for trial in the county: 11 for murder; 30, in arms and attacking houses by night; 20, highway robbery; 63, cattle stealing; and a vast number of cases of burglary, larceny, &c.

"The result of the Assize prosecution was, one capital conviction, 62 for transportation, and many others sentenced to imprisonment for various periods.

"And this, with the exception of the convicts under rule of transportation, is only a half-year's crop of crime in one county. Well, then, might the learned Judge Ball exclaim in his address to the Grand Jury: 'A more appalling representation of the state of crime in this or any other country it has never been my lot to witness.' And observe, in an economic point of view, the cost of this huge and annually increasing mass of offences. It has been computed that every criminal, from his apprehension to the completion of the sentence of transportation, costs his country £300.

"Now, without taking into account the expense of a considerable military, naval, and police force, work-house support of the widows and children of those who have been incarcerated or under rule of transportation, losses and injuries to life and property, resulting from sanitary neglects in a community crowded by the indigent and the despairing, *the direct cost* to the State of the above calendar of crime can be little short of £75,000; while a system of reproductive labour would not only have saved that amount, by rescuing the starving from temptation and the idle from crime, but would have repaid the capital expended, with a large surplus to multiply in duplicate ratio the materials of future employment.

\* \* \* \* \*

"The most unobservant cannot avoid noticing the declining aspect of native manufactures, of the shop and inland trade, and foreign traffic of Limerick, notwithstanding its magnificent position at the tide-head of the first navigable river, and in the centre of the most fertile district of the British islands. What scenes were there during the late Assizes to strike the patriot heart with amazement and unavailing sorrow.

\* \* \* \* \*

"These are startling contrasts, and give rise to painful reflections and gloomy anticipations. **LIMERICK IS A TYPE OF IRELAND.**

"Law bares the arm triumphantly to strike down the trans-

gressor; yet offences increase, and the love of social order diminishes. Society is held together only by the pressure of external force. Disaffection, beaten down, still broods sullenly over the desperate chances of the future.

"But all this cannot last. A government of mere force is too cumbersome and perilous to preserve its stability in times when the spirit of progress searches the heart of nations, and the secret springs and motives of Prerogative are revealed to every eye by the electric light of a free Press. True philosophical enlightenment would avoid all allusion to the international violences and litigations of the past, and adopt new methods of redressing the evils of misgovernment, and establishing loyalty and rational freedom, by cherishing at home the moral and physical capabilities of Ireland, and *opening freely to emigration the boundless resources of that colonial empire which girds the world.*"

\* \* \* \* \*

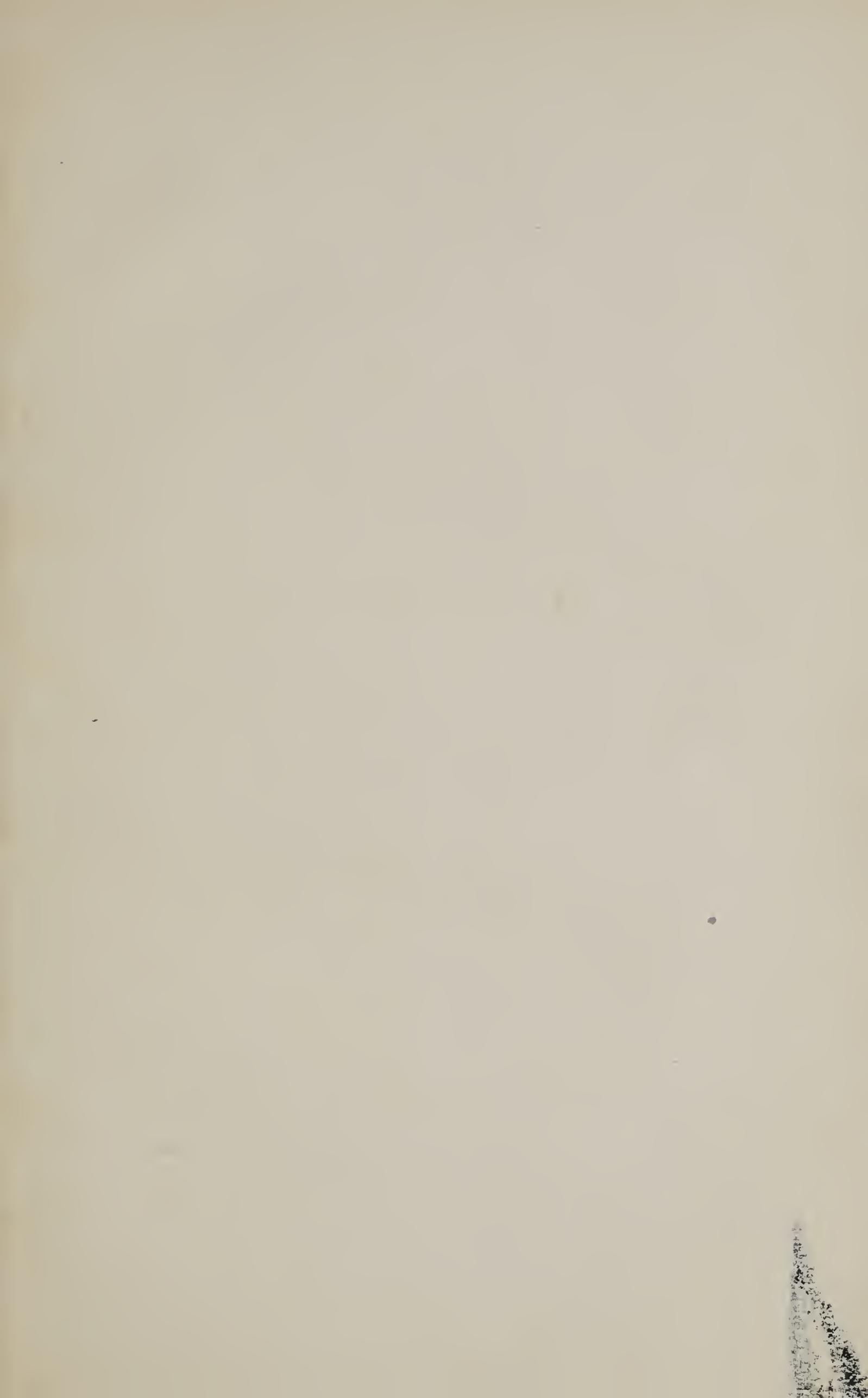
On comparing the above startling statement with the results of the last Assizes, furnished to the author by the kindness of Mr. Furnell, County Treasurer, it will appear that the Criminal Calendar has greatly diminished, in proportion to the decrease of pauperism and increase of employment, which have taken place in the County of Limerick Assize District in the interval between 1849 and 1851. Indeed the northern counties of Louth, Armagh, and Monaghan, appear to be now in a more lawless state, than Limerick, Tipperary, and Clare were in 1849.

*County of Limerick.*

	Spring Assizes, 1849.	Summer Assizes, 1851.
Number of Crown witnesses and prosecutors, . . . . .	900	159
Number of criminals for trial, . .	520	83
Of these for murder, . . . . .	11	3
In arms and attacking houses by night, . . . . .	30	None.
Cattle stealing, . . . . .	63	2
Highway robbery, . . . . .	20	None.







## Opinions of the Press.

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"A clever pamphlet."—*Times*.

"One of the most powerfully written and conclusive testimonies to the beneficial operation of the Incumbered Estates Court."—*CALEDONIAN MERCURY*.

"The writer suggests several legal reforms, well worth the attention of the Legislature."—*NORTH BRITISH DAILY MAIL*.

"The Author irrefragably proves the beneficial operations of that remarkable legal experiment in Ireland, the Incumbered Estates Court."—*NOTTINGHAM MERCURY*.

"An able and interesting pamphlet."—*DUBLIN EVENING MAIL*.

"A well-timed and very remarkable pamphlet. The writer has taken up the whole range of the Incumbered Estates Commission, and sustained his views by facts and figures that cannot fail to produce a powerful impression in all parts of the United Kingdom."—*DUBLIN EVENING POST*.